



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

■
Docket No. 3438-21
Ref: Signature Date



Dear ■:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted was insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 14 December 2021. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies. In addition, the Board considered the advisory opinion contained in Community Management Support Branch memorandum 1160 Ser B328/074 of 8 June 2021; a copy of which was previously provided to you for comment.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

On 10 June 2013, you entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 9 June 2017 and SEAOS of 9 June 2018. On 24 November 2014, you signed an agreement to extend enlistment for 12 months with a Soft End of Active Obligated Service (SEAOS) of 9 June 2019 in order to incur sufficient obligated service for accelerated advancement to EM3.

On 15 February 2018, NAVDMIN 032/18 was published; however, a zone "A" SRB for the EM rate was not listed.

On 13 April 2018, you reenlisted for 4 years with an EAOS of 12 April 2022. On 13 November 2018, you were issued official change duty orders (BUPERS order: 3178) with required

obligated service to September 2022, while stationed in █ with an effective date of departure of July 2019. Your ultimate activity was █ for duty with an effective date of arrival of 9 September 2019.

On 17 December 2018, NAVADMIN 305/18 was published correcting 13 December 2018 NAVADMIN 302/18. This NAVADMIN corrects policy for Combat Zone Tax Exclusion (CZTE) and Early Promote (EP) Sailors and announces revised selective reenlistment bonus (SRB) award levels and reenlistment policy for active component (AC) and full-time support (FTS) and supersedes reference (a).

Sailors must reenlist within 180 days of their EAOS, except in the following cases: Nuclear-trained Sailors. Sailors who must OBLISERV to execute a permanent change of station move will be allowed to reenlist early any time within one calendar year of the detachment month, but not later than the date of detachment from the last intermediate duty station. CZTE and EP Sailors who submitted SRB requests on or before the release of NAVADMIN 302/18 will be grandfathered under paragraph 5 of NAVADMIN 119/18.

Commands are required to submit SRB reenlistment requests to BUPERS-328 via OPINS or NSIPS 35 to 120 days in advance of the requested reenlistment date of the Sailor. Requests submitted less than 35 days prior to the requested reenlistment date will be rejected. However, commands may contact BUPERS-328 for waiver eligibility and procedures. Sailors must have an approved SRB request before reenlisting. Furthermore, a zone "A" SRB with an award level of 0.5 (\$30,000 award ceiling) for the EM rate was authorized.

Commands must submit a 1306 requesting the SRB kicker, signed copies of the evaluations of the Sailor and a printout of their physical readiness information management system data to BUPERS-328 once their precertification has been submitted. This requirement is only for those that fall under the provisions of this paragraph. Award ceiling cap values under \$100,000 will be raised by \$5,000 for Sailors eligible for the performance kicker. For example: EN Zone A award ceiling will be raised from \$30,000 to \$35,000 for Sailors who qualify for the performance kicker. Award ceiling caps will not be adjusted over \$100,000 under these provisions.

On 10 June 2019, you entered zone "B". On 1 July 2019, you transferred from LSD 49 HARP FERY. On 5 July 2019, you signed an agreement to extend enlistment for 5 months with a SEAOS of 12 September 2022 in order to extend to incur sufficient obligated service to execute BUPERS Order 3178 dated 18 November 2013 in accordance with MILPERSMAN 1160-040. On 10 September 2021, you reenlisted for 6 years with an EAOS of 9 September 2027.

You requested that your record reflect that you were eligible for and received an SRB prior to the execution of your BUPERS order: 3178; the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that you were eligible for a Zone A, SRB if you had reenlisted prior to crossing out of zone A in June 2019. Additionally, your skill set of EM is listed in NAVADMIN 305/18 as being eligible for "Pay for Performance"/SRB Kicker. However, you have not submitted any reenlistment documents showing your desire to reenlist for SRB. Per NAVADMIN 305/18, the command must submit a 1306 requesting the SRB kicker, signed

copies of the evaluations of the sailor and printout of their physical readiness information management system data to BUPERS-328 once their SRB precertification has been submitted. None of these documents were provided with your application or produced upon request. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely, _____
1/22/2022

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Deputy Director
Signed by: █