



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

██████████
Docket No. 5415-21
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO ██████████, USN
XXX-XX-██████████

Ref: (a) Title 10 U.S.C. § 1552
(b) NAVADMIN 108/20 of 15 Apr 20
(c) FY21 SRB Award Plan (N13SRB 003/FY21) of 19Feb21

Encl: (1) DD Form 149 w/attachments
(2) CMSB memo 1160 Ser B328/101 of 6 Dec 21
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to show Petitioner was eligible for and received a Selective Reenlistment Bonus (SRB) for more than 21 months of additional obligated service (AOS).

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 16 December 2021 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval record, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. On 10 July 2015, Petitioner enlisted in the U.S. Naval Reserve for 8 years with an EOS of 9 July 2023. Furthermore, he signed an Enlistment Guarantees (NAVCRUIT 1133/52) Annex "A" to DD Form 4 dated 10 July 2015 listing the following options: Advanced Electronics Field-Advanced Electronics Computer Field (AEF/AECF 6YO) Program.

c. On 24 February 2016, Petitioner signed an Enlistment Guarantees (NAVCRUIT 1133/52) Annex "B" to DD Form 4 dated 10 July 2015 listing the following options: Advanced Technical Field Special Warfare Operator (ATF/SO 6YO) Challenge Program.

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d. On 11 July 2016, Petitioner entered active duty for 4 years with an EAOS of 10 July 2020 and SEAOS of 10 July 2022.

e. On 10 July 2019, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) with a required obligated service to October 2024, while stationed in [REDACTED] with an effective date of departure of September 2019. Petitioner's intermediate activity was [REDACTED] for duty with an effective date of arrival of 30 November 2019.

f. On 19 August 2019, Petitioner signed an agreement to extend enlistment for 24 months with an SEAOS of 10 July 2024 in order to extend to incur sufficient obligated service to execute BUPERS order [REDACTED] dated 10 July 2019 in accordance with MILPERSMAN 1160-040.

g. In accordance with reference (b), this NAVADMIN announces revised SRB policy for Active Component (AC) and Full-Time Support (FTS), superseding NAVADMIN 272/19. Sailors must now reenlist within 365-days of their End of Active Obligated Service (EAOS) (as opposed to 270-days required in NAVADMIN 272/19), except in the case of Nuclear-trained Sailors who can reenlist at any point in the reenlistment zone, per guidance in OPNAVINST 1160.8B.

h. On 16 February 2021, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) with a required obligated service to August 2025, while stationed in [REDACTED] with an effective date of departure of May 2021. Petitioner's Ultimate activity was [REDACTED] for duty with an effective date of arrival of 31 May 2021.

i. In accordance with reference (c), FY21 SRB Award Plan (N13SRB 005/FY21) listed a zone "A" SRB with an award level of 5.5 (\$60,000 award ceiling) for the SO/O26A rate/NEC.

j. On 14 April 2021, Petitioner signed a Command Career Request (NPPSC 1160/1) for a 5 year reenlistment effective 4 May 2021, and was approved by cognizant authority on 22 April 2021.

k. In April 2021, Petitioner earned NEC O26A (Special Warfare Operator (SEAL)).

l. On 16 April 2021, COMNAVPERSCOM notified command that Petitioner's SRB had been approved for a 5 year reenlistment effective 4 May 2021 for a zone "A" SRB with an award level of 5.5 for the SO/O26A rate/NEC.

m. On 4 May 2021, Petitioner reenlisted for 5 years with an EAOS of 3 May 2026.

n. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

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CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that BUPERS ORDER [REDACTED] required Petitioner to OBLISERV out to October 2024 and that he was authorized to meet the required OBLISERV by signing an Administrative Remarks Page 13 in lieu of a 24-month extension of enlistment to prevent monetary loss of Selective Reenlistment Bonus (SRB). Furthermore, Petitioner's Expiration of Active Obligated Service (EAOS) at the time of reenlistment should have been 10 July 2021 instead of 10 July 2024 making him eligible for a higher SRB entitlement.

RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner's 24-month agreement to extend enlistment (NAVPERS 1070/621) executed on 19 August 2019 is cancelled.

Petitioner executed an Administrative Remarks (NAVPERS 1070/613) on 19 August 2019; fulfilling a 39 month agreement to extend enlistment operative on 11 July 2021.

Note: This change will entitle the member to a zone "A" SRB with an award level of 5.5 (\$60,000 award ceiling) for the SO/O26A rate/NEC. Remaining obligated service to 10 July 2021 will be deducted from SRB computation. Furthermore, Defense Finance and Accounting Service (DFAS) will complete an audit of Petitioner's records to determine if Petitioner is due any back pay.

A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.
5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

1/24/2022

[REDACTED]
Deputy Director

Signed by: [REDACTED]