



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

[REDACTED]
Docket No. 5417-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,
XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) NAVADMIN 108/20 of 15 Apr 20
(c) FY21 SRB Award Plan (N13SRB 001/FY21) of 28 Oct 20

Encl: (1) DD Form 149 w/attachments
(2) CMSB memo 1160 Ser B328/096 of 14 Sep 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).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 2 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 23 November 2016, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 22 November 2020 and Soft End of Active Obligated Service (SEAOS) of 22 November 2022. Petitioner entered under the Advanced Technical Field Special Warfare Operator (ATF/SO 6YO) Challenge Program.

c. 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 EAOS (as opposed to 270-days required in

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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.

d. In accordance with reference (c), FY21 SRB Award Plan (N13SRB 001/FY21) listed a zone "A" SRB with an award level of 5.5 (\$75,000 award ceiling) for the SO/O26A rate/NEC.

e. On 4 November 2020, Petitioner was issued official change duty orders (BUPERS order: 3090), while stationed in [REDACTED] with an effective date of departure of November 2020. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 30 December 2020.

f. On 6 November 2020, Petitioner signed a Command Career Request (NPPSC 1160/1) for a 5 year reenlistment effective 22 November 2021, and was approved by cognizant authority on 8 November 2021.

g. On 6 November 2020, Petitioner transferred, and arrived to [REDACTED] for duty on 9 November 2020.

h. On 19 November 2020, Commanding Officer, [REDACTED] notified Director, Military Personnel Plans and Policy Division (OPNAV N13) requesting a 35 day waiver. Petitioner should have re-enlisted prior to detaching from [REDACTED]. Petitioner detached on 6 November 2020. The gain transaction for [REDACTED] was dated for 9 Nov 2020, currently pending PSD release. [REDACTED] was contacted on 5 November 2020 by a staff member from SOTM informing us of the pending arrival of Petitioner and his current SRB. Detaching command failed to submit Petitioner for his SRB, this was at no fault of Petitioner. Command respectfully requested Petitioner be allowed to re-enlist and receive the full SRB amount. This request was based on Petitioner deserving the amount and avoiding any undue monetary loss, due to his previous command's inaction and the subsequent administrative technicalities.

i. On 22 November 2020, Petitioner reenlisted for 5 years with an EAOS of 21 November 2025.

j. 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.

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 at the time Petitioner reenlisted, he was eligible for an SRB. If the command career counselor had submitted the SRB precertification request 35-120 days of the scheduled reenlistment date, he would have been approved.

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RECOMMENDATION

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

Petitioner's Command submitted a waiver request for his SRB to BUPERS-328 via OPINS/NSIPS less than 35 days in advance of the requested reenlistment date of the Sailor and it was approved by cognizant authority.

Note: This change will entitle the member to a zone "A" SRB with an award level of 5.5 (\$75,000 award ceiling) for the SO/O26A rate/NEC.

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.

1/10/2022

[REDACTED]

Deputy Director

[REDACTED]