



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

█
Docket No. 6595-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █ █ USN,
█

Ref: (a) Title 10 U.S.C. §1552

Encl: (1) DD Form 149 w/attachments
(2) CMSB memo 1160 Ser B328/118 of 8 Nov 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 his naval record be corrected to show Petitioner's End of Active Obligated Service (EAOS) is 12 July 2022 vice 12 July 2023.

2. The Board, consisting of █ and █ reviewed Petitioner's allegations of error and injustice on 8 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 11 May 2017, Petitioner enlisted for 8 years in the U.S. Naval Reserve. Furthermore, Petitioner signed an Enlistment Guarantees (NAVCRUIT 1133/52) Annex "A" to DD Form 4 dated 11 May 2017 listing the following options: Submarine Electronics Computer Field (SECF 5YO) Program (SUBVOL).

c. On 22 June 2017, Petitioner signed an Enlistment Guarantees (NAVCRUIT 1133/52) Annex "B" to DD Form 4 dated 11 May 2017 listing the following options: Advanced Technical Field Special Warfare Operator (ATFISO 6YO) Challenge Program.

d. On 12 July 2017, Petitioner signed an agreement to extend enlistment for 24 months with an Soft End of Active Obligated Service (SEAOs) of 12 July 2023. Furthermore, Petitioner

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[REDACTED]

agreed to "Training in the Naval Special Warfare/Naval Special Operations Challenge Program and accelerated advancement to paygrade E4 per MILPERSMAN Articles 1160-040, 1160-080, and 1430-010: Accelerated advancement to paygrade E4 is authorized only after successful completion of BUD/S, EOD, BCT, and Navy Diver training. I understand that this extension becomes binding upon execution and thereafter may not be cancelled except as set forth in MILPERSMAN Article 1160-040.

e. On 21 July 2017, Petitioner signed an agreement to extend enlistment for 12 months with an SEAOS of 12 July 2022. Furthermore, Petitioner agreed to Training in the Advanced Technical Field. MILPERSMAN 1510-030 is governing directive. Petitioner understood that this extension of active service becomes binding upon execution and thereafter may not be cancelled except as set forth In MILPERSMAN 1160-040 and 1510-030.

f. On 21 July 2017, Petitioner signed an agreement to extend enlistment for 12 months with an SEAOS of 12 July 2023. Furthermore, Petitioner agreed to Advancement to rate and grade per MILPERSMAN 1430-010. Petitioner understood this extension becomes binding upon advancement and may not be cancelled except as per MILPERSMAN 1160-040.

g. On 13 July 2017, Petitioner entered active duty for 4 years with an EAOS of 12 July 2021 and SEAOS of 12 July 2023.

h. 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 Petitioner's 24-month extension should have been cancelled at the BUD/S schoolhouse prior to Petitioner being reclassified. This would have resulted in a SEAOS of 12 December 2021. Subsequent to his disenrollment from BUD/s, he was reclassified into the Equipment Operator (EO) rating, which is a 5-year obligation program and a 12-month extension should have been executed.

RECOMMENDATION

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

Petitioner executed a 12-month agreement to extend enlistment (NAVPERS 1070/621) operative on 13 July 2021 upon reclassification into the EO rating, which was a 5 year obligation program. Note: All previous agreements to extend enlistment are cancelled. Furthermore, this will establish an EAOS of 12 July 2022.

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

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[REDACTED]

4. It is certified that 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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

1/17/2022

[REDACTED]
Deputy Director
[REDACTED]