



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

█
Docket No. 6792-21
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) MILPERSMAN 1160-040

Encl: (1) DD Form 149 w/attachments
(2) CMSB memo 1160 Ser B328/114 of 2 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 that her naval record be corrected to show Petitioner's original End of Active Obligated Service (EAOS) be reinstated.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 14 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 5 September 2017, Petitioner entered active duty for 4 years with an EAOS of 4 September 2021 and Soft End of Active Obligated Service (SEAOS) of 2 September 2022.

c. On 27 January 2020, Petitioner was issued official change duty orders (BUPERS order: █) with a required obligated service to September 2023, while stationed in █, █ with an effective date of departure of August 2020. Petitioner's ultimate activity was 2nd Medical Battalion, █, █ for duty with an effective date of arrival of 18 December 2020.

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d. On 8 May 2020, Petitioner signed an agreement to extend enlistment (NAVPERS 1070/621) for 12 months with a SEAOS of 4 September 2023 in order to incur sufficient obligated service to execute BUPERS order: [REDACTED] dated 27 January 2020 in accordance with MILPERSMAN 1160-040.

e. On 1 August 2020, Petitioner transferred from NMRTC, [REDACTED] and arrived to Field Medical Training Battalion [REDACTED], [REDACTED] for temporary duty on 3 September 2020.

f. On 13 November 2020, Petitioner was issued official modification to change duty orders (BUPERS order: [REDACTED]), while stationed in [REDACTED] with an effective date of departure of August 2020. Petitioner's ultimate activity was Field Medical Training Battalion [REDACTED], [REDACTED] for duty with an effective date of arrival of 4 December 2020.

g. On 17 November 2020, Petitioner transferred and arrived to Field Medical Training Battalion [REDACTED], [REDACTED], [REDACTED] for duty.

h. In accordance with reference (b), when members, through no fault of their own (as defined in subparagraph 2f above), have not received any of the benefits (e.g., school, accelerated advancement, did not execute Permanent Change of Station (PCS) orders, or enlistment bonus) for which the extension was executed, cancellation must occur by the day preceding the operative date of the extension.

i. 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 executed her orders on 1 August 2020 however did not execute as written due to limited duty / medical reasons. In accordance with MILPERSMAN 1160-040, when members, through no fault of their own, have not received any of the benefits for which the extension was executed, cancellation must occur by the day preceding the operative date of the extension. No Fault of member is defined as any action or event that is not intentionally committed by a Sailor (e.g., a Sailor diagnosed by a physician with an illness or medical condition (e.g., pregnancy).

RECOMMENDATION

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

Petitioner's 12-month agreement to extend enlistment (NAVPERS 1070/621) executed on 8 May 2020 is cancelled. Note: This will reestablish an EAOS of 2 September 2022.

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

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.

[REDACTED] 1/25/2022
[REDACTED]
Deputy Director
Signed by: [REDACTED]