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

[redacted]
Docket No. 1039-22
Ref: Signature Date

[redacted]

Dear [redacted]:

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 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 24 February 2022. 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 by BUPERS-328 of 16 February 2022.

On 10 June 2013 you entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 9 June 2017 and Soft End of Active Obligated Service (SEAOS) of 9 June 2018. On 24 November 2014, you signed an agreement to extend enlistment for 12 months with a SEAOS of 9 June 2019 in order to incur sufficient obligated service for accelerated advancement to EM3. 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 [redacted] with an effective date of departure of July 2019. Your ultimate activity was [redacted] for duty with an effective date of arrival of 9 September 2019. Your Projected Rotation Date was September 2022.

On 10 June 2019, you crossed into zone "B." On 1 July 2019, you transferred from [redacted], and you arrived to [redacted] on 2 July 2019 for temporary duty under instruction. On 5 July 2019, you signed an agreement to extend enlistment for 5 months with an SEAOS of 12 September 2022 in order to incur sufficient obligated service to execute BUPERS order 3178. On 9 August 2019, you transferred from [redacted],

and you arrived to [redacted] on 5 September 2019 for duty. On 1 September 2021, your Electronic Personnel Action Request (NAVPERS 1306/7) requested to participate in the SRB Pay Kicker of 0.5 award level in accordance with NAVADMIN 305/18[1]. Your request was approved by cognizant authority on 29 September 2021. On 10 September 2021, you reenlisted for 6 years with an EAOS of 9 September 2027.

You requested that your reenlistment date be changed from 10 September 2021 to 9 June 2019 and that you receive an SRB and the Pay for Performance SRB kicker; 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 on 13 November 2018, you were issued BUPERS order: 3178, your EAOS was 12 April 2022, and you were required to OBLISERV to September 2022. Your orders stated, "OBLISERV must be obtained within 30 days of receipt of these orders and prior to transfer." You did not extend to meet your obligated service until 5 July 2019, after you had transferred. The Board concluded that NAVADMIN 302/18 and NAVADMIN 305/18 were published over 30 days after you received BUPERS order: 3178, and if you had followed your orders as written and met your OBLISERV in a timely manner, there would not have been an SRB available.

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,

3/16/2022

[redacted]

[1] In accordance with NAVADMIN 305/18 published on 17 December 2018, this NAVADMIN corrected policy for combat zone tax exclusion (CZTE) and Early Promote (EP) Sailors and announced revised Selective Reenlistment Bonus (SRB) award levels and reenlistment policy for Active Component (AC) and Full-Time Support (FTS) and superseded NAVADMIN 302/18.

Sailors must have reenlisted within 180 days of their EAOS, except in the following cases: Nuclear-trained Sailors. Sailors who must have OBLISERVED to execute a permanent change of station move were 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 (13 December 2018) were grandfathered under paragraph 5 of NAVADMIN 119/18 (14 May 2018).

Commands were required to submit SRB reenlistment requests to BUPERS-328 via Officer Personnel Information System (OPINS) or Navy Standard Integrated personnel System (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 were rejected. Furthermore, a zone "A" SRB with an award level of 0.5 ($30,000 award ceiling) Tier Three for the EM rate was authorized.