



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

██████████
Docket No. 1381-22
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) MILPERSMAN 1160-040 of 16 Feb 17

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion BUPERS-328 of 28 Feb 22
(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 12 month agreement to extend enlistment (NAVPERS 1070/621) executed on 21 July 2020 is null and void.

2. The Board, consisting of ██████████ and ██████████ reviewed Petitioner's allegations of error and injustice on 3 March 2022 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 18 September 2017 Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 17 September 2021 and Soft End of Active Obligated Service (SEAOS) of 17 September 2022.

c. On 15 June 2020 Petitioner was issued official change duty orders, BUPERS order: 1670, with required obligated service to September 2023, while stationed in ██████████ with an effective date of departure of December 2020. Petitioner's intermediate activity was Field Medical Training Battalion ██████████ for temporary duty – under instruction with an effective date of arrival of 11 January 2021. Petitioner's ultimate activity was School of Infantry ██████████ for duty with an effective date of arrival of 20 March 2021. Your Projected Rotation Date (PRD) was September 2023.

d. On 21 July 2020 Petitioner signed an agreement to extend enlistment for 12 months with an SEAOS of 17 September 2023 in order to incur sufficient obligated service to execute BUPERS order 1670.

e. On 21 December 2020 Petitioner transferred from ██████████.

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f. On 12 March 2021 Petitioner was issued official modification to change duty orders (BUPERS order: 1670) while stationed in [REDACTED] with an effective date of departure of December 2020. Petitioner's ultimate activity was NMRTC, [REDACTED] [REDACTED] for duty with an effective date of arrival of 25 April 2021. Petitioner's PRD was October 2022.

g. On 6 April 2021 Petitioner arrived to [REDACTED] for duty.

h. In correspondence attached as enclosure (2), the office having cognizance over the subject matter commented to the effect that the request warrants favorable action.¹

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 requested to execute an agreement to extend enlistment to incur sufficient obligation for BUPERS Order 1670. Petitioner's original orders were modified, removing the School of Infantry [REDACTED] where she was slated to earn Navy Enlisted Classification code L03A. The inoperative extension should have been cancelled by the day preceding the operative date of the extension.

RECOMMENDATION

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

The 12-month agreement to extend enlistment (NAVPERS 1070/621) executed on 21 July 2020 is null and void. Note: This will reestablish an EAOS of 17 September 2022.

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.

3/27/2022

[REDACTED]

Deputy Director

[REDACTED]

¹ In accordance with reference (b), Commanding Officers and Officers-In-Charge must cancel agreements to extend enlistment, prior to operative date, for reason listed: When members, through no fault of their own, have not received any of the benefits (e.g., school, accelerated advancement, did not execute permanent change of station orders, or enlistment bonus) for which the extension was executed, cancellation must occur by the day preceding the operative date of the extension. Members whose extensions are cancelled for this reason and desire to continue on active duty may simultaneously execute a new extension or reenlist per appropriate articles in this manual.