



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

[REDACTED]
Docket No. 1400-22
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552
(b) MILPERSMAN 1160-100, Selective Training and Reenlistment (STAR) Program,
4 November 2005

Encl: (1) DD Form 149 w/attachments
(2) DD Form 4, Enlistment/Reenlistment Document, Armed Forces of the United States,
executed 28 August 2017
(3) COMNAVCRUITCOMINST 1130.8J, Enlistment Guarantees, executed
6 March 2017
(4) NAVPERS 1070/621, Agreement to Extend Enlistment, executed 6 March 2017
(5) NSIPS Member Data Summary, printed 5 April 2022
(6) BUPERS Order: 1670, PERS-407CK, 15 June 2020
(7) NAVPERS 1070/601, Immediate Reenlistment Contract, executed
28 September 2020
(8) Medical Education & Training Campus Certificate of Completion,
22 September 2021
(9) NAVPERS 1070/605, History of Assignments
(10) PERS-803 Memo 1430 PERS 8031/81, subj: Request for Advisory Opinion ICO
[Petitioner], 2 March 2022
(11) Petitioner's Memo, subj: Additional Information to the Board for Correction of
Naval Records (BCNR) ICO [Petitioner], 4 April 2022

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, hereinafter referred to as the Board, requesting that her naval record be corrected to show that she reenlisted under the Selective Training and Reenlistment (STAR) program and was advanced to the grade of E-5.

2. The Board reviewed Petitioner's allegations of error or injustice on 14 April 2022 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on Petitioner's naval record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval records, and applicable statutes, regulations and policies.

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3. The Board, having reviewed all the evidence of record pertaining to Petitioner's allegations of error or 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 28 August 2017, Petitioner enlisted in the Regular Component of the U.S. Navy for a period of four years.¹ See enclosure (2). This period of enlistment, however, was modified by her election of the "Hospital Corpsman Class 'A' School Guarantee," wherein she accepted the requirement for a voluntary extension of 12 months of active duty service to meet the rating, school, and program guarantee active duty obligation requirement associated with this training.² See enclosure (3).

c. On 5 April 2018, Petitioner completed the Hospital Corpsman basic course. See enclosure (5).

d. By orders dated 15 June 2020, Petitioner was directed to report to [REDACTED] at [REDACTED] to attend the [REDACTED] course between 7 January 2021 and 22 September 2021. These orders changed Petitioner's obligated service date to September 2024. See enclosure (6).

e. On 1 September 2020, Petitioner was advanced to the grade of E-4.³ See enclosure (5).

f. On 28 September 2020, Petitioner reenlisted for four years of active service for the benefits of rate. This reenlistment adjusted her end of active service date to 27 September 2024, consistent with the service obligation stated in the orders discussed in paragraph 3d above. See enclosure (7). Petitioner contends that her chain of command never made her aware of the requirement to reenlist for STAR benefits, and asserts that when she inquired about her program having STAR entitlements that she was told that her "c-school instructors will handle that when you get there." See enclosure (1).

g. From 7 January 2021 to 22 September 2021, Petitioner attended and completed the [REDACTED] course at the [REDACTED].⁴ See enclosure (8). She was assigned the NEC L30A (Histopathology Technician) effective 22 September 2021. See enclosure (5).

h. On 30 September 2021, Petitioner reported for duty at [REDACTED]. See enclosure (9).

i. Petitioner contends that upon arriving at the [REDACTED] course, she was informed by her instructor that there was nothing that could be done to provide her benefits

¹ This enlistment obligated Petitioner to four years of active duty service, and a total military service obligation (MSO) of eight years.

² Petitioner executed this extension by signature dated 6 March 2017, establishing a contract expiration date of 27 August 2022. See enclosure (4).

³ Her rank/rate was advanced to HM3.

⁴ Petitioner's completion certificate reflects that she completed the course on the Dean's List.

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under the STAR program “due to the error of not re-enlisting under STAR before transfer from [her] last command.” She asserts that she could have made a more informed decision and submitted the proper requests in accordance with reference (b) prior to reenlisting if this information had been presented to her, which would have resulted in her immediate advancement to PO2 upon completion of the Histopathology Technician school. In support of her application, Petitioner provided a letter of support dated 9 February 2022 from an officer from her former command who asserted that Petitioner met all of the requirements for the STAR program, but that the command’s career counselors were unaware of the program benefit that she was entitled to and did not submit the proper package. See enclosure (1).

j. In accordance with reference (b), “[t]he STAR program offers career designation to first term enlisted members who... reenlist and thereby become eligible for the following career incentives:

a. Guaranteed assignment to an appropriate Class “A” or “C” School (but not both).

b. Possible advancement from petty officer third class (PO3) to petty officer second class (PO2) upon completion of a Class “C” School or a Class “C” School package, which is listed in the Career Schools Listing (CSL),⁵ MILPERSMAN 1510-020, and the latest NAVADMIN in effect on date of reenlistment, if otherwise eligible.”⁶

k. By memorandum dated 2 March 2022, the Enlisted Career Progression Branch Head at Navy Personnel Command (PERS-803) provided an advisory opinion (AO) for the Board’s consideration, recommending that Petitioner’s application be denied. This recommendation was apparently based only upon the fact that Petitioner did not have an approved STAR application. See enclosure (10).

l. By memorandum dated 4 April 2022, Petitioner provided a rebuttal to the AO discussed above. This rebuttal informed the Board that she inquired about the STAR program with her supervisor upon receipt of orders assigning her to the Histopathology Technician course, and that her supervisor stated that he would raise it with the career counselors. Based upon this discussion, she claimed that she was later informed by her supervisor that her instructors at the course would address the STAR benefits upon arrival at the course. Petitioner then reenlisted, as was necessary to comply with the service obligation that would be imposed by her attendance in the course. During the reenlistment process, she claims never to have been advised of the need to reenlist under the STAR program, and that she never met face-to-face with the Command Career Counselor. Petitioner provided e-mail and text messages to corroborate her claims in this regard. This memorandum was endorsed by Petitioner’s current Command Master Chief (CMC) at [REDACTED], who opined that Petitioner “was robbed of a career enhancing opportunity by her chain of command. The chain of command failed this sailor by not utilizing the Command Career Counselor to verify the information and actions” Petitioner was advised to do, and that Petitioner “was never awarded the opportunity to be advanced through the STAR program like she should have.” He further opined that “[i]t is an unrealistic expectation that an E-3 should know pertinent career information that normally isn’t attained until a sailor is an E-5

⁵ The Histopathology Tech course that Petitioner attended was listed on the CSL in effect at the time.

⁶ The remaining potential incentives listed in reference (b) are omitted here due to their inapplicability.

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over 8 years of service. This is the reason we have a criteria for who can become a Career Counselor so sailors can be taken care of correctly.” See enclosure (11).

MAJORITY CONCLUSION:

Upon careful review and consideration of all of the evidence of record, the Majority of the Board found an injustice warranting relief.

The Majority found that the evidence reflects that Petitioner inquired about STAR benefits after receiving orders to attend the qualifying Histopathology Technician course, and prior to reenlisting. She was then provided erroneous information about how and when such benefits would accrue, and acted upon that information to her detriment. Petitioner was only an E-3 at the time, and she provided e-mail and text messages from the period in question which corroborated her claims in this regard. The Majority agreed with the opinion of Petitioner’s current CMC that Petitioner was failed by her chain of command. It was obvious that Petitioner would have applied for STAR benefits in conjunction with her reenlistment if she had been properly informed of the process, and there is no reason to believe that this application would have been denied. Accordingly, the Majority found, contrary to the particularly unhelpful AO at enclosure (10), that Petitioner’s application for relief should be approved.

MAJORITY RECOMMENDATION:

In view of the above, the Majority recommends that Petitioner’s naval record be corrected to reflect the following:

That Petitioner’s current reenlistment document be corrected to reflect that she reenlisted for “Career designated under MILPERSMAN 11600-100,”⁷ vice “Benefits for Rate,” for a term of five (5) years, vice four (4) years,⁸ and that all associated documents and benefits be adjusted accordingly;

That Petitioner applied for STAR benefits in a timely manner and that that application was approved;

That Petitioner was advanced to PO2/E-5 effective 22 September 2021, pursuant to the STAR program;

That a copy of this record of proceedings be filed in Petitioner’s naval record; and

That no further corrections be made to Petitioner’s naval record.

⁷ This language is taken from reference (b).

⁸ The CSL in place at the time established a five-year service obligation for the HM-L30A NEC, rather than the four-year obligation for which she reenlisted.

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MINORITY CONCLUSION:

Upon careful review and consideration of all of the evidence of record, the Minority of Board found insufficient evidence of any error or injustice warranting relief. Specifically, the Minority agreed with the AO that relief is not warranted because there no evidence that Petitioner every submitted an application for the STAR program. Further, the Minority noted that he could not verify Petitioner's eligibility for the STAR program in accordance with reference (b), and that neither her approval for the STAR program or the automatic advancement benefit would have been guaranteed. Accordingly, the Minority found no error or injustice warranting relief.

MINORITY RECOMMENDATION:

In view of the above, the Minority of the Board recommends that no corrective action be taken on 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 titled matter.
5. The foregoing action of the Board is submitted for your review and action.

5/20/2022

[REDACTED]

Executive Director

ASSISTANT GENERAL COUNSEL (MANPOWER AND RESERVE AFFAIRS) DECISION:

MAJORITY Recommendation Approved (Grant Relief, consistent with recommendations of the Majority above)

MINORITY Recommendation Approved (Deny Relief)

7/11/2022

[REDACTED]

Acting Assistant General Counsel (M&RA)

Signed by: [REDACTED]