

DEPARTMENT OF THE NAVY

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

> Docket No. 3470-22 Ref: Signature Date



Dear	:

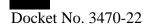
This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 23 June 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 Community Management Support Branch memorandum of 16 May 2022 and your response to the opinion.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

On 19 June 2003, you entered active duty. On 16 November 2016, you reenlisted for 3 years with an End of Active Obligated Service (EAOS) of 15 November 2019.

In accordance with MILPERSMAN 1160-040 published on 16 February 2017. OICs must cancel agreements to extend enlistment, prior to operative date, for reasons listed below: When a member, through no fault of their own (as defined in paragraph 2f) has 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.



On 20 June 2019, you reenlisted for 4 years with an EAOS of 19 June 2023. On 4 October 2019, you transferred from 1st **and arrived to an endowed and arrived an endowed and arrived and arrived an endowed and arrived an endowed an endowed and arrived an endowed and arrived an endowed and arrived an endowed an endowed and arrived an endowed an endowed an endowed and arrived an endowed and arrived an endowed an endowed an endowed an endowed and arrived an endowed and arrived an endowed an endowed and arrived an endowed an endowed an endowed and arrived an endowed an endowed and arrived an endowed an endowed an endowed and arrived an endowed an endowed and arrived an endowed an endowed an endowed an endowed an endowed and arrived an endowed a**

On 20 January 2021, you were issued official change duty orders (BUPERS order:) with a required obligated service to March 2025, while stationed in , with an effective date of departure of February 2021. Your ultimate activity was for duty with an effective date of arrival of 15 March 2021. Obligated service to March 2025 is required for this assignment which may be satisfied by reenlistment or extension of enlistment. OBLISERV must be obtained within 30 days of receipt of these orders and prior to transfer. Advise PERS-40 within 30 days of receipt of these orders if member does not desire to obligate.

On 22 February 2021, you were issued official modification to change duty orders (BUPERS order:) with a required obligated service to April 2025, while stationed in , with an effective date of departure of March 2021. Your ultimate activity was for duty with an effective date of arrival of 14 April 2021.

In accordance with Navy Standard Integrated Personnel System (NSIPS)/ Electronic Service Record (ESR) effective 30 March 2021, an agreement to extend enlistment for 21 months with a Soft End of Active Obligated Service (SEAOS) of 19 March 2025 is listed.

On 16 December 2021, you were issued official change duty orders (BUPERS order:) while stationed in with an effective date of departure of December 2021. Your ultimate activity was for duty with an effective date of arrival of 30 January 2022.

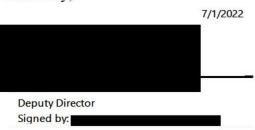
On 8 March 2022, you submitted an Electronic Personnel Action Request (NAVPERS 1306/7) requesting to cancel 21 months of improper extension. Furthermore, you stated that you did not sign the NAVPERS 1070/621 to extend SEAOS that was entered into your record. Your request was approved by cognizant authority on 21 March 2022.

On 31 March 2022, Branch Head, Community Management Support Branch (BUPERS-328), Bureau of Naval Personnel notified you via email that extension cancellation request ICO SNM was disapproved. You executed orders that required you to OBLISERV for BUPERS orders: 0201. Extension cancellation requests shall only be submitted for Sailors who have received no benefit for the condition of the extensions execution. Exceptions and/or waivers to this policy are not authorized. BUPERS-328 only considers cancellation requests that result from actions that are "no fault" of the member.

You requested the extension from June 2023 to March 2025 be removed. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertion that you did not sign a NAVPERS 1070/621 or 613 acknowledging the extension and that one does not exist in your Official Military Personnel File (OMPF). However, the Board concluded that BUPERS order: required you to obligate to March 2025, you were required to obligate within 30 days of orders and prior to transfer, or notify

PERS-40 within 30 days of receipt of orders if you did not desire to obligate. There is no evidence in your record showing that you did not desire to obligate, in fact, you executed orders, and a PCS move from to to Because you did execute your PCS orders, the Board concluded that in accordance with MILPERSMAN 1160-040 you received the benefits for which the extension was executed. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Finally, the Board noted that you will reach 20 years of active service on your EAOS. If you request to retire and are subsequently approved, the earliest you could retire would be 30 June 2023, therefore, you would still need to extend for at least one month.

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,