



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

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Docket No. 3582-22
Ref: Signature Date

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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 was 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 May 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 1160 Ser B328/006 of 25 January 2021 and your response to the opinion.

In accordance with OPNAVINST 1160.8A published on 30 January 2007, a member who is not eligible for an SRB in their present rating/skill or who does not hold an SRB eligible NEC may qualify for an SRB if they convert to, or train for, an SRB eligible rating/NEC/skill. The member must agree to obligate service to train for the SRB rating/NEC/skill then reenlist after the new rating/NEC/skill is attained or rating conversion is completed. The new rating/NEC/skill must be designated for award of an SRB at the time of the agreement to obligate service to train. An SRB may be paid to a member for that specialty upon completion of qualification training and reenlistment in the specialty.

On 16 April 2007, you entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 15 April 2011 and Soft End of Active Obligated Service (SEAOS) of 15 April 2012/15 April 2013.

In accordance with NAVADMIN 175/10 published on 14 May 2010, this NAVADMIN announced revised selective reenlistment bonus (SRB) award levels for active component and

[REDACTED]
[REDACTED]

reserve component full time support (FTS) and superseded NAVADMIN 028/10. Increased award levels were effective immediately and decreased levels were effective 30 days from release of this message. Furthermore, it listed a zone "A" SRB with an award level of 5.5 (\$75,000 award ceiling) for the SO/5326 rate/NEC.

On 18 June 2010, you were issued official change duty orders (BUPERS order: 1690) with required obligated service to June 2014, while stationed in [REDACTED] with an effective date of departure of September 2010. Your intermediate activity was [REDACTED] for temporary duty under instruction. Your ultimate activity was [REDACTED] for duty under instruction with an effective date of arrival of 22 January 2011.

In accordance with NAVADMIN 300/10 published on 8 September 2010, this NAVADMIN announced revised selective reenlistment bonus (SRB) award levels for active component and reserve component full time support (FTS) and superseded NAVADMIN 175/10. Furthermore, it listed a zone "A" SRB with an award level of 5.5 (\$75,000 award ceiling) for the SO/5326 rate/NEC.

On 14 September 2010, you reenlisted for 3 years with an EAOS of 13 September 2013. On 20 September 2010, you transferred from [REDACTED], and arrived to [REDACTED] on 4 January 2011 for duty under instruction.

On 19 October 2011, you were issued official change duty orders (BUPERS order: 2921) with required obligated service to November 2014, while stationed in [REDACTED] with an effective date of departure of November 2011. Your intermediate activity (1) was [REDACTED] for temporary duty under instruction. Your intermediate activity (2) was [REDACTED] for temporary duty. Your ultimate activity was [REDACTED] for duty under instruction with an effective date of arrival of 1 January 2012.

On 12 November 2011, you transferred from [REDACTED], and arrived to [REDACTED] on 9 December 2011 for duty under instruction.

In accordance with NAVADMIN 143/12 published on 24 April 2012, this NAVADMIN announced revised selective reenlistment bonus (SRB) award levels for active component and reserve component full time support (FTS) and superseded NAVADMIN 013/12. Furthermore, it listed a zone "A" SRB with an award level of 2.0 (\$30,000 award ceiling) for the SO/5326 rate/NEC. Increased award levels were effective immediately and decreased levels were effective 30 days after the release of this NAVADMIN.

On 8 June 2012, you were awarded NEC O26A (Special Warfare Operator (SEAL)). Legacy NEC code was 5326.

On 29 June 2012, you were issued official change duty orders (BUPERS order: 1812) with required obligated service to January 2017, while stationed in [REDACTED] with an effective date of departure of August 2012. Your ultimate activity was [REDACTED] for duty with an effective date of arrival of 5 October 2012.

[REDACTED]

On 30 August 2012, you reenlisted for 4 years and received a zone "A" SRB with an award level of 2.0. On 31 August 2012, you transferred from [REDACTED], and arrived to [REDACTED] on 1 October 2012 for duty.

In accordance with NAVADMIN 273/12 published on 8 September 2012, this NAVADMIN announced revised selective reenlistment bonus (SRB) award levels for active component (ac) and reserve component full time support (FTS), and superseded ref a. increased award levels were effective immediately and decreased levels were effective 30 days after the release of this NAVADMIN. Furthermore, it listed a zone "A" SRB with an award level of 2.0 (\$30,000 award ceiling) for the SO/5326 rate/NEC.

In March 2013, you were awarded NEC 805A (Instructor). Legacy NEC code was 9502. On 1 February 2016, you reenlisted for 4 years and received a zone "B" SRB with an award level of 8.0. On 31 January 2020, you reenlisted for 4 years and received a zone "C" SRB with an award level of 6.5.

On 25 January 2021, BUPERS-328 notified BCNR that it is recommended that the 3 year term reenlistment of 14 September 2010 be cancelled and replaced with an Administrative Remarks, page 13, agreeing to OBLISERV an additional 14 months when eligible to meet the required OBLISERV out to June 2014. Recommend the 4-year term reenlistment contract of 30 August 2012 remain in effect. You would be entitled to an additional 5 months of Additional Obligated Service (AOS) Zone A, SO, 5326, 2.0 award level SRB due to the change in EAOS at the time of reenlistment would now be 15 April 2013 rather than 13 September 2013. Recommend the remaining of your reenlistment contracts remain in effect as written.

On 6 May 2022, you notified BCNR via Assistant for BCNR Matters [REDACTED] that you are requesting BCNR would cancel August 2012 reenlistment Zone A, SO/5326, 2.0 award level SRB and be awarded accordingly. You request to be awarded a Zone A, SO/5326, 5.5 award level Selective Reenlistment Bonus (SRB) for 48 months rather than Zone A, SO, 5236, 2.0 award level, and have Zone B adjusted to reflect an additional 3 months of SO/5326, 8.0 award level SRB, and making no adjustments to Zone C SRB award amount. Since your SEAOS is after graduation, BUPERS-328 would not approve an OTT however, as directed in his orders, an Administrative Remarks, Page 13 should have been approved to place 14 months of obligated service agreeing to OBLISERV out to June 2014 when eligible. Rather than placing the OBLISERV on a page 13, you were advised to reenlist on 14 September 2010 for 3 years. In view of the above, BCNR File [REDACTED] is returned requesting the 3 year term reenlistment of 14 September 2010 be cancelled and replaced with an Administrative Remarks, page 13, agreeing to OBLISERV an additional 14 months when eligible to meet the required OBLISERV out to June 2014. Recommend the 4 year term Additional Obligated Service (AOS) Zone A. SO, 5326, 5.5 award level SRB reenlistment contract of June 2012 when you were entitled to reenlist IAW OPNAVINST 1160.8A on page 10 stating "At the award level in effect at the time of the agreement or at the award level in effect at reenlistment, whichever is higher."

You requested to apply OTT to your time in BUDS, adjust the zones "A" and "B" reenlistment dates, the amount of your zone "A" and the balance of your zone "B" to be reviewed and allotted to you; the Board, in its review of your entire record and application, carefully weighed all

potentially mitigating factors, to include your assertions. BUPERS order: 1690 required you to obligate service out to June 2014. The Board concluded that you were not eligible for OTT because your graduation date was before the expiration of your contract, and you did not have the ability to lock in to the 5.5 award level authorized for your future NEC. However, an Administrative Remarks, Page 13 would have been approved to satisfy required obligated service to June 2014. NAVADMIN 143/12 was published in April 2012 listing an award level of 2.0 for your rate/NEC; therefore, when you earned your NEC in June 2012, you were only authorized the zone "A" SRB at the 2.0 award level. An alternative solution was presented via advisory opinion, which would have cancelled your reenlistment on 14 September 2010, Administrative Remarks, Page 13 would have been approved and you would have had an additional 5 months Additional Obligated Service (AOS). You furnished a rebuttal essentially restating your original request. The Board concluded that you are only eligible for the Zone "A" SRB with an award level of 2.0 for the SO/5326 rate/NEC as authorized in accordance with NAVADMIN 143/12. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

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,

6/1/2022

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Deputy Director

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