



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

██████████
Docket No. 4301-22
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.

A three-member panel of the Board, sitting in executive session, considered your application on 20 October 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.

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 20 June 2011 you entered active duty in the U.S. Navy.

On 13 May 2019 you were issued official change duty orders (BUPERS order: 1339) with required obligated service to September 2023, while stationed in ██████████ with an effective date of departure of July 2019. Your ultimate activity was Information Warfare Training Command (IWTC), ██████████ for duty under instruction with an effective date of arrival of 20 August 2019, with a Projected Rotation Date (PRD) of August 2020. To include 345 days at DLI BAS ██████████, convene 22 August 2019, and graduating 27 August 2020.

On 20 May 2019 you signed an agreement to extend enlistment for 2 months under the OBLISERV to Train (OTT) program with a Soft End of Active Obligated Service (SEAOS) of 7

September 2020 in order to extend through school, then reenlist upon graduation to meet or exceed Permanent Change of Station (PCS) orders (BUPERS order: 1339) obligated service requirements.

On 22 July 2019 you transferred from ██████████ and arrived to ██████████
██████████ on 19 August 2019 for duty under instruction.

On 26 June 2020 you signed an agreement to extend enlistment for 10 months under the OTT program with an SEAOS of 7 May 2021 in order to extend through school, then reenlist upon graduation to meet or exceed PCS orders (BUPERS order: 1339) obligated service requirements. Based on Petitioners total aggregate months, and SEAOS it appears the previous 2-month extension was cancelled.

On 8 February 2021 you were issued official change duty orders (BUPERS order: 0391) while stationed at ██████████ with an effective date of departure of April 2021. Your ultimate activity was ██████████ for duty with an effective date of arrival of 29 April 2021, with a PRD of May 2024. Assigned rate: CTI1 DNEC1: 9RUS.

On 16 March 2021 you were issued official modification change duty orders (BUPERS order: 0391) with required obligated service to April 2023, while stationed at ██████████ with an effective date of departure of April 2021. Your intermediate (1) activity was ██████████
██████████ for temporary duty under instruction with an effective date of arrival of 10 April 2021, and effective date of departure of 30 July 2021. Your ultimate activity was ██████████ for duty with an effective date of arrival of 15 August 2021, with a PRD of May 2024. Assigned rate: CTI1 DNEC1: 9RUS.

On 8 April 2021 you reenlisted in the U.S. Navy for 6 years with an EAOS of 7 April 2027.

On 21 April 2021 you were issued official modification change duty orders (BUPERS order: 0391) with required obligated service to July 2023, while stationed at ██████████ with an effective date of departure of July 2021. Your intermediate (1) activity was ██████████
██████████ for temporary duty under instruction with an effective date of arrival of 18 July 2021, and effective date of departure of 15 November 2021. Your ultimate activity was ██████████ for duty with an effective date of arrival of 7 December 2021, with a PRD of December 2024. Assigned rate: HM1 DNEC1: 9RUS.

On 20 June 2021 you entered zone "C" for Selective Reenlistment Bonus (SRB). In June 2021, you were awarded Navy Enlisted Classifications (NEC) 9RUS (Language Russian). On 24 June 2021, you were awarded an Associate of Arts Degree from the Defense Language Institute Foreign Language Center, Presidion of ██████████ On 12 July 2021, you transferred from S IWTC ██████████ and arrived to 1 August 2021 to ██████████ for temporary duty. On 15 November 2021, you transferred from ██████████, and arrived to ██████████ on 7 December 2021 for duty.

On 13 May 2022 the Commanding officer, Cryptologic Warfare Activity ██████████ notified BCNR that after reviewing your Personal Statement Timeline of events, DLI transcript,

BUPERS ORDERS 0391, and ORDMOD ICO BUPERS orders: 0391, the Cryptologic Warfare Activity ██████████ endorses your request for reinstatement of your Selective Reenlistment Bonus for skill set CTV9RUS. The references provide sufficient evidence that you received a short fused modification to your orders. The timing of this caused you undue stress and required your removal from the Information Warfare Training Command (IWTC) classroom environment during a critical Defense Language Proficiency Test (DLPT) preparation training phase. In order for you to address the administrative requirements of your ORDMOD, you were required to miss 5 of the remaining 9 class days, at IWTC, in order to complete the necessary travel requirements to provide adequate care for your family. You maintained a 3.7 GPA while attending the Defense Language Institute, and demonstrated proficiency in an operational setting. You are confident that had your orders allowed you to complete the course of instruction in a manner similar to your classmates, or had he been allowed additional time at ██████████ following his DLPT to process the ORDMOD requirements, you would have been successful on your initial DLPT, met the OBLISERV to train requirements, and been eligible for the Zone B reenlistment Bonus.

On 27 July 2022 the BCNR notified you that your application required more information. In order to continue processing your application, you were asked to provide evidence of the reason why you did not graduate as scheduled on 27 August 2020, as mentioned in the previous decision letter. Provide a letter from the school to explaining the delay in graduation.

On 28 July 2022 you responded to BCNR's request for information. You stated in part, "My current case is a follow-up to my two previous cases. All of the evidence relating to my training at the Defense Language Institute are contained in the documents from my previous BCNR requests. The current BCNR application was sent because I was asked to include a command endorsement, in order to verify that the evidence was accurate. My graduation date was in April 2021 and I had an OTT for that graduation date..."

You requested to have your SRB reinstated by adjusting the date which you received the NEC to the date 8 April 2021 which is the date you graduated the Defense Language Institute. 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 BUPERS order: 1339 included 345 days at ██████████ Class 91001, convening 22 August 2019, and graduating 27 August 2020. On 20 May 2019, you signed an agreement to extend enlistment while stationed at ██████████ for 2 months under the OTT Program then reenlist upon graduation to meet or exceed BUPERS Order 1339. On 26 June 2020, while stationed at ██████████, you signed an agreement to extend enlistment for 10 months under the OTT Program then reenlist upon graduation to meet or exceed BUPERS Order 1339. Your previous case before the Board was denied, in part, because the Board has no information for the period after you checked in to ██████████ until you signed a new extension for an intended graduation date of April 2021. BUPERS Order 1339 specifies a graduation date of 27 August 2020. You were asked to submit a letter from the school to explain the change in the graduation date. You maintain that your graduation date was in April 2021 and you submitted an endorsement from your current command, not a letter from the school. The Board agreed that you received your modification to BUPERS order: 0391 shortly before your scheduled DLPT exam; however, you admit that you had already scheduled your move to

[REDACTED] and secured housing by the time you received the last minute modification. According to screenshots you submitted of a conversation with [REDACTED], you were told that you could send your family ahead to [REDACTED] and join them later, they could stay in [REDACTED] while you were in [REDACTED] or they could join you at [REDACTED] at your cost. The Board concluded that you made a personal choice to cancel your move and schedule a new move when you state that the last few weeks were essential for being successful on the DLPT. Finally, the Board determined that since you were awarded skill set CTI/9RUS in June 2021 and you graduated from the Defense Language Institute on 24 June 2021, it is inappropriate to backdate the NEC date to 8 April 2021.

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,

10/28/2022

[REDACTED]

Deputy Director
[REDACTED]