



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. 5024-22
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 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 7 September 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 also considered the advisory opinion (AO) by Branch Head, Community Management Support Branch memorandum 1160/Ser. B328/075 of 26 July 2022, which was previously provided to you. You were afforded an opportunity to submit a rebuttal, but did not do so.

In accordance with OPNAVINST 1160.8B published on 1 April 2019, a member who receives orders to attend training to gain a qualifying SRB Navy Enlisted Classification (NEC), but lacks the required obligated service to complete training may apply for OTT. To be eligible to apply for OTT, completion of the requested school must occur after the current inoperative extension (i.e., soft EAOS). If approved for OTT, the member will be allowed to extend enlistment through the school graduation date.

On 12 April 2016, you entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 11 April 2020 and Soft End of Active Obligated Service (SEAOS) of 11 April 2021.

In accordance with NAVADMIN 272/19 published on 2 December 2019, this NAVADMIN announced revised Selective Reenlistment Bonus (SRB) award levels and reenlistment policy for AC and FTS, updates to the pay for performance pilot (a Sailor 2025 initiative) and changes to

how future SRB award levels will be announced. SRB award levels and reenlistment policy listed in this NAVADMIN supersede those contained in NAVADMIN 129/19.

Commands were required to submit SRB reenlistment requests to BUPERS-328 via Officer Personnel Information System (OPINS)/Navy Standard Integrated Personnel System (NSIPS) 35 to 120 days in advance of the requested reenlistment date of the Sailor. Requests submitted less than 35 days prior to the requested reenlistment date were rejected. However, commands may contact BUPERS-328 for waiver eligibility and procedures. Sailors must have had an approved SRB request before reenlisting. Furthermore, a zone "A" SRB with an award level of 2.5 (\$45,000 dollar award ceiling) for the HM/L37A rate/NEC was authorized.

On 2 January 2020, you were issued official change duty orders (BUPERS order: 0020) with required obligated service to December 2023, while stationed in █ with an effective date of departure of June 2020. Your ultimate activity was █ for duty with an effective date of arrival of 23 June 2020 and graduation date of 16 December 2020.

On 4 May 2020, you signed an agreement to extend enlistment for 12 months with an EAOS of 11 April 2022 in order to incur sufficient obligated service to execute BUPERS order under the OBLISERV-To-Train.

On 20 May 2020, you were issued an administrative remarks (NAVPERS 1070/613) with the following: "In consideration of assignment to █, being unable at this time to incur additional obligated active service without potential monetary loss, I agree to an active duty obligation for 20 months to gain the total OBLISERV required by BUPERS Order: 0020 until December 2023. I agree to reenlist/extend when eligible for a period of 3 years, and understand that if I do not reenlist, I will not be eligible for any SRB/EB award, and these orders may be canceled. This NAVPERS 1070/613 agreement is not valid for transfer to any overseas area, including █ and █."

On 4 June 2020, you transferred from █, and arrived to █ to 8 June 2020 for duty under instruction.

In accordance with FY21 SRB Award Plan (N13SRB 001/FY21) of 28 October 2020 a zone "A" SRB for the HM/ NEC L37A rate/NEC was authorized, but expired after 30 days after the publication of this NAVADMIN.

On 10 November 2020, you were issued official change duty orders (BUPERS order: 3150) with required obligated service to January 2024, while stationed in █ an effective date of departure of December 2020. Your ultimate activity was █ for duty with an effective date of arrival of 10 January 2021.

In December 2020, you were awarded NEC L37A (Dental Lab Tech, Advanced). On 16 December 2020, you reenlisted for 3 years with an EAOS of 15 December 2023. On 17 December 2020, you transferred from █, and arrived to █ on 8 January 2021 for duty.

In accordance with FY21 SRB Award Plan (N13SRB 002/FY21) of 28 December 2020 a zone "A" SRB for the HM/ NEC L37A rate/NEC was not authorized.

You requested correction to you reenlistment on 16 December 2020 to include an SRB for HM-C School; 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: 0020 required you to obligate service out to December 2023. You were not eligible for OTT because you had enough time on your contract to take you to your expected graduation date of 16 December 2020. At the time of reenlistment, you had earned NEC L37A, however, there was no SRB offered for your skillset HM/L37A, as it was eliminated effective 27 November 2020. 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,

9/20/2022

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Deputy Director

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