



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

[REDACTED]
Docket No. 6153-22
Ref: Signature Date

[REDACTED]
[REDACTED]
[REDACTED]

Dear **[REDACTED]**

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 6 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. In addition, the Board also considered the advisory opinion by Branch Head, Community Management Support Branch memorandum 1160 Ser B328/093 of 24 August 2022, which was previously provided to you. You were afforded an opportunity to submit a rebuttal, but did not do so.

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 10 December 2015, you entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 9 December 2019 and Soft End of Active Obligated Service (SEAOS) of 9 December 2021.

In accordance with NAVADMIN 305/18 published on 17 December 2018, this NAVADMIN corrected policy for Combat Zone Tax Exclusion (CZTE) and Early Promote (EP) Sailors and announced revised selective reenlistment bonus (SRB) award levels and reenlistment policy for active component (AC) and full-time support (FTS) and superseded NAVADMIN 302/18.

Sailors must have reenlisted within 180 days of their EAOS, except in the following cases: a. Nuclear-trained Sailors. b. Sailors who must OBLISERV to execute a permanent change of station move will be allowed to reenlist early any time within one calendar year of the detachment month, but not later than the date of detachment from the last intermediate duty station. c. CZTE and EP Sailors who submitted SRB requests on or before the release of NAVADMIN 302/18 would be grandfathered under paragraph 5 of NAVADMIN 119/18.

Commands were required to submit SRB reenlistment requests to BUPERS-328 via Officer Personnel Information System (OPINS) or 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 2.0 (\$30,000 dollar award ceiling) for the ET (SW) rate was authorized.

On 1 March 2019, your Career Waypoints (CWAY) request for reenlistment was approved.

In accordance with NAVADMIN 129/19 published on 11 June 2019, this NAVADMIN announced revised SRB award levels and reenlistment policy for AC and FTS, superseding NAVADMIN 305/18.

Sailors must have reenlisted within 180-days of their EAOS, except in the following cases: a. Nuclear-trained Sailors. b. Sailors who must obligate service (OBLISERV) to execute a permanent change of station move were allowed to reenlist early any time within 1 Calendar Year of the detachment month, but not later than the date of detachment from the last intermediate duty station. c. Combat zone tax exclusion and Early Promote (EP) Sailors who submitted SRB requests on or before the release of NAVADMIN 302/18, Selective Reenlistment Bonus Update December 2018, and the Implementation of a Pay for Performance Pilot, were grandfathered under paragraph 5 of NAVADMIN 119/18.

Commands were required to submit SRB reenlistment requests to BUPERS-328 via OPINS or 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 0.5 (\$30,000 dollar award ceiling) for the ET (SW) rate was authorized.

On 29 November 2019, you reenlisted for 5 years with an EAOS of 28 November 2024. Furthermore, you received a zone "A" SRB with an award level of 0.5.

On 19 August 2022, ██████████ notified BCNR that he processed your SRB back in November 2019. They submitted a Special CWAY for SRB along with Pre-certification in April 2019 to reenlist on 1 October 2019.

In accordance with Para 16 a. (2) of OPNAVINST 1160.BB, "SRB eligible members may not reenlist earlier than the same fiscal year as their EAOS for an SRB". This was the basis on which they chose the reenlistment date of 1 October 2019 since your EAOS was 9 December 2019.

Released on 11 June 2019, NAVADMIN 129/19 dropped the ET (SW) Zone A multiple to -0.5 and we stuck to this newly decreased multiple since we considered the 180-day SRB reenlistment window from his SEAOS, not Hard EAOS. Later in October due to funding issues, we moved his SRB reenlistment to 29 November 2019 and to maximize his SRB amount.

Considering the 180-day window from his then Hard EAOS (9 December 2019), the earliest you could have reenlisted for the higher legacy SRB multiple of 2.0 would be 12 June 2019. This erroneous submission was at no fault of yours but his misunderstanding of the 180-day SRB reenlistment window.

You requested that your record reflect that you reenlisted on 10 July 2019 vice 29 November 2019 and were eligible for and received a 2.0 award level vice a 0.5 award level. 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 in order for you to move your reenlistment date and receive the higher rate listed in NAVADMIN 305/18, the SRB precertification request would have had to be entered in NSIPS no later than 6 June 2019 to meet the 35 to 120 days in advance of the requested reenlistment date. There is no evidence to show that your Command Career Counselor submitted the SRB precertification prior to 6 June 2019. You were approved for a CWAY quota on 1 March 2019 to reenlist, however, having a CWAY reenlistment quota does not indicate a specific reenlistment date. You provided no evidence that you had any intentions of reenlisting on or prior to 10 July 2019. 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,

10/19/2022

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