



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

[REDACTED]
Docket No. 7007-22
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED], USN,
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) NAVADMIN 048/11 of 7 Feb 11
(c) NAVADMIN 081/14 of 10 Apr 14
(d) MILPERSMAN 1830-040 of 9 Sep 20

Encl: (1) DD Form 149 w/attachments
(2) CMSB memo 1160 Ser B328/105 of 30 Sep 22
(3) NPC memo 5420 PERS-836/071 of 31 Oct 22
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to show Petitioner was awarded a regular retirement. In the alternative, maintain time in service as listed on his Certificate of Release or Discharge from Active Duty (DD Form 214) and be awarded the requisite Selective Reenlistment Bonus (SRB) money befitting recalculated years of service (\$167,000).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 20 April 2023 and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies.

3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. On 23 January 2001, Petitioner enlisted in the Army National Guard of [REDACTED] for 8 years with an Expiration of Obligated Service (EOS) of 22 January 2009.

b. Petitioner was released from active duty (ARMY/ARNGUS) with an Honorable character of service and was issued a DD Form 214 for the period of 24 October 2004 to 8 February 2006 upon completion of required active service.

c. On 22 January 2007, Petitioner was separated from the Army National Guard of [REDACTED].

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d. On 2 June 2008, Petitioner reenlisted in the U.S. Navy for 4 years with an End of Active Obligated Service (EAOS) of 1 June 2012 and Soft End of Active Obligated Service (SEAOS) of 1 June 2014.

e. In August 2010, Petitioner was awarded Navy Enlisted Classification (NEC) N130 (Legacy NEC 3353).

f. In accordance with reference (b), this NAVADMIN announced revised FY-11 SRB award levels for active component (AC) and reserve component full time support (FTS) and superseded NAVADMIN 300/10. Early reenlistment opportunity: sailors serving in tier one skills, as well as the exceptions outlined in para 12.a of OPNAVINST 1160.BA and para 4 of NAVADMIN 006/09, were eligible to reenlist early any time within the fiscal year of their EAOS. Nuclear sailors may have still crossed fiscal year boundaries. Furthermore, zone "A" SRB with an award level of 9.5 (\$75,000 dollar award ceiling) for the NUC 3353/63 rate/NEC was authorized.

g. On 25 April 2011, Petitioner reenlisted for 6 years with an EAOS of 24 April 2017 and received zone B SRB.

h. On 5 August 2012, Petitioner entered zone B.

i. In September 2013, Petitioner was awarded NEC N13S (Legacy NEC 3363).

j. In accordance with reference (c), this NAVADMIN announced revised SRB award levels for AC and FTS. This NAVADMIN superseded NAVADMIN 77/13, and was the first to be released under the new authority; on 1 October 2013, SRB transitioned from section 308 of title 37, U.S. code, to section 331. Sailors serving in tier one skills were eligible to reenlist any time within the same fiscal year (FY) of their EAOS. Furthermore, zone "B" SRB with an award level of 8.5 (\$100,000 dollar award ceiling) for the ETNSS 3353/63 rate/NEC was authorized.

k. On 1 December 2014, Petitioner reenlisted for 5 years with an EAOS of 30 November 2019 and received zone 1 Enlisted Supervisor Retention Pay (ESRP).

l. On 5 August 2016, Petitioner entered zone C/zone 1.

m. On 1 November 2019, Petitioner reenlisted for 2 years with an EAOS of 31 October 2021.

n. On 5 August 2020, Petitioner entered zone D/zone 2.

o. In accordance with reference (d), enlisted Service members who have completed 20 years of active duty service may request to be transferred to the Fleet Reserve, at their request, per 10 U.S.C. §8330.

p. On 11 June 2021, Petitioner signed an agreement to extend enlistment for 8 months with an SEAOS of 30 June 2022 in order to match EAOS with projected rotation date of June 2022.

q. Petitioner was discharged with an Honorable character of service and was issued a DD Form 214 for the period of 5 August 2006 to 30 June 2022 upon completion of required active service.

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r. On 16 August 2022, Petitioner was issued official separation orders (BUPERS order: 2282) while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of June 2022. Petitioner's place elected for travel was [REDACTED], [REDACTED] with an effective date of separation of 17 August 2022.

s. In the advisory opinion, attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following partial corrective action. The Board concluded that Petitioner's active duty service date (ADSD) and pay entry base date (PEBD) were calculated incorrectly upon his enlistment in the Navy. As a result, Petitioner was credited for years of active duty that he did not serve. After a full audit of Petitioner's creditable service, PERS adjusted his ADSD and Petitioner was notified that his earliest Fleet Reserve eligibility date was changed to 31 August 2026, therefore, he is ineligible for a regular retirement. Furthermore, the erroneous ADSD caused Petitioner to receive SRBs in the wrong zones. Petitioner was eligible for zone A SRB for his reenlistment on 25 April 2011, however, he received zone B SRB. Petitioner was eligible for zone B SRB for his reenlistment on 1 December 2014, however, he received zone 1 ESRP. The Board concluded that Defense Finance and Accounting Service (DFAS) will conduct an audit to determine the amount Petitioner is entitled to as a result of these changes.

RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner's immediate reenlistment contract (NAVPERS 1070/601) executed on 25 April 2011 for a term of 6 years listed an ADSD of 5 August 2006 vice 2 June 2002 and a PEBD of 23 January 2001 vice 2 June 2002.

Note: This change will entitle the member to zone "A" vice zone "B" SRB with an award level of 9.5 (\$75,000 dollar award ceiling) for the NUC 3353/63 rate/NEC. Remaining obligated service to 1 June 2012 will be deducted from SRB computation.

Petitioner's immediate reenlistment contract (NAVPERS 1070/601) executed on 1 December 2014 for a term of 5 years listed an ADSD of 5 August 2006 vice 2 June 2002 and a PEBD of 23 January 2001 vice 2 June 2002.

Note: This change will entitle the member to zone "B" SRB vice "zone 1" ESRP with an award level of 8.5 (\$100,000 dollar award ceiling) for the ETNSS 3353/63 rate/NEC. Remaining obligated service to 24 April 2017 will be deducted from SRB computation.

Petitioner's immediate reenlistment contract (NAVPERS 1070/601) executed on 1 November 2019 for a term of 2 years listed an ADSD of 5 August 2006 vice 2 June 2002 and a PEBD of 23 January 2001 vice 2 June 2002.

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Note: That any other entries/documents affected by the Board's recommendation be corrected. DFAS will complete an audit of Petitioner's records to determine if Petitioner is due any back pay.

That part of the Petitioner's request for corrective action that exceeds the foregoing be denied.

A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

4/27/2023

