



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

[REDACTED]
Docket No. 7337-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) NAVADMIN 119/18, 14 May 18

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by NPPSC memo 7220 N1, 12 Dec 22
(3) 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 received back pay from the taxed portion of Selective Reenlistment Bonus (SRB) upon reenlistment on 9 November 2018 and corrected W2s due to being in a combat zone during the month of reenlistment.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 12 January 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. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. On 10 February 2011, Petitioner entered active duty.

c. In September 2012, Petitioner earned NEC O26A/5326 (Special Warfare Operator (SEAL)).

d. On 20 October 2014, Petitioner reenlisted for 5 years with an End of Active Obligated Service (EAOS) of 19 October 2019. Petitioner received a zone "A" SRB.

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e. In accordance with reference (b), This NAVADMIN announced revised SRB award levels and reenlistment policy for Active Component (AC) and Full-Time Support (FTS), and superseded NAVADMIN 032/18.

Sailors must have reenlisted within 180 days of their EAOS, except in the following cases: a. Nuclear-trained Sailors. b. Sailors eligible for combat zone tax exclusion (CZTE) were authorized to reenlist anytime within 1 calendar year of their EAOS. These Sailors, along with CCC must annotate in the remarks section of the precertification request whether they are currently CZTE eligible or serving in a qualified hazardous duty area. A condition of approval of their precertification request is that the reenlistment of the Sailor occurs in a month during which CZTE qualification applies. c. Sailors who received an Early Promote in block 45 of their most recent regular periodic evaluation were allowed to reenlist early any time within one calendar year of their EAOS. d. Sailors who must OBLISERV to execute a permanent change of station (PCS) move were 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.

Commands were required to submit SRB reenlistment requests to BUPERS-328 via Officer Personnel Information System (OPINS) or 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 "B" SRB with an award level of 5.5 (\$75,000 award ceiling) for the SO/5326 rate/NEC was listed.

f. On 30 October 2018, Petitioner was issued a request and authorization for TDY (Temporary Duty) travel of DoD Personnel (DD Form 1610) effective 3 November 2018 for 33 days to [REDACTED], [REDACTED] for site visit.

g. On 9 November 2018, Petitioner reenlisted for 5 years with an EAOS of 8 November 23. Petitioner received a zone "B" SRB.

h. On 31 December 2018, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 3 January 2019 for duty.

i. On 3 January 2019, Petitioner received CZTE for the period of 1 November 2018 to 31 December 2018 while in [REDACTED].

j. On 11 November 2022, Petitioner reenlisted for 5 years with an EAOS of 10 November 2027. Petitioner received a zone "C" SRB.

k. 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.

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[REDACTED]

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that Petitioner reenlisted for SRB on 9 November 2018 while on TDY to Iraq. Petitioner's master military pay account (MMPA) reflects combat zone tax exclusion for the months of November and December 2018, which makes the SRB in connection with his reenlistment on 9 November 2018 tax exempt. However, the CZTE was not run until Petitioner returned from TDY and a portion of his SRB was erroneously taxed.

RECOMMENDATION

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

Petitioner's command submitted an OPINS/ NSIPS in a timely manner, noting that Petitioner was currently CZTE eligible and was it approved by cognizant authority.

Note: Defense Finance and Accounting Service (DFAS) will process for reimbursement of taxed portion of SRB (9 November 2018) and issue W2 corrections for affected tax years.

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.

1/20/2023

[REDACTED]