



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

[REDACTED]  
Docket No. 7543-22  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. § 1552  
(b) MILPERSMAN 1160-100, 4 Nov 05  
(c) NAVADMIN 108/20, 15 Apr 20  
(d) Career School Listing, 1 Jul 20  
(e) FY21 SRB Award Plan (N13SRB 001/FY21), 28 Oct 20  
(f) FY21 SRB Award Plan (N13SRB 005/FY21), 9 Aug 21

Encl: (1) DD Form 149 w/attachments  
(2) Advisory Opinion by CMSB (BUPERS-328), 17 Oct 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 reenlisted under Selective Training and Reenlistment (STAR) program<sup>1</sup> and was advanced to Petty Officer Second Class, was eligible for and received a Selective Reenlistment Bonus (SRB), and received all back pay and allowances.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 26 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. 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 13 July 2016 Petitioner entered active duty for 4 years with an end of active obligated service (EAOS) of 12 July 2020 and soft EAOS (SEAOS) of 12 July 2022.

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<sup>1</sup> In accordance with reference (b), the STAR program offers career designation to first term enlisted members who enlist or reenlist and thereby become eligible for the following career incentives: a. Guaranteed assignment to an appropriate Class "A" or "C" School (but not both). b. Possible advancement from petty officer third class (PO3) to petty officer second class upon completion of a Class "C" School or a Class "C" School package, which is listed in the Career Schools Listing (CSL), MILPERSMAN 1510-020, and the latest NAVADMIN in effect on date of reenlistment, if otherwise eligible. c. Advancement to PO3 upon completion of Phase I of an Advanced Electronics Field (AEF) Class "A" School under automatic advancement procedures for the AEF program. d. SRB, if eligible (not guaranteed).

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b. On 13 November 2018 Petitioner signed an agreement to extend enlistment for 34 months with an SEAOS of 12 May 2023 in order to incur sufficient obligated service to execute BUPERS order 2958 of 22 October 2018, and was advanced to HM3/E-4 on 22 May 2019.

c. In accordance with reference (c), announced revised SRB policy for Active Component and Full-Time Support, superseding NAVADMIN 272/19. Sailors must now have reenlisted within 365-days of their EAOS (as opposed to 270-days required in NAVADMIN 272/19), except in the case of Nuclear-trained Sailors who could have reenlisted at any point in the reenlistment zone, per guidance in OPNAVINST 1160.8B.

d. On 7 October 2020 Petitioner was issued official change duty orders (BUPERS order: 2810) with required obligated service to November 2024, while stationed in [REDACTED] with an effective date of departure of March 2021. Petitioner's intermediate (1) activity was [REDACTED] for temporary duty with an effective date of arrival of 17 April 2021. Petitioner's intermediate (2) activity was [REDACTED] for temporary duty – under instruction with an effective date of arrival, 5 May 2021. Petitioner's intermediate (3) activity was [REDACTED] for temporary duty with an effective date of arrival of 10 June 2021. Petitioner's intermediate (4) activity was [REDACTED] for temporary duty – under instruction with an effective date of arrival of 27 June 2021.

e. On 18 March 2021 Petitioner signed an administrative remarks (NAVPERS 1070/613) for the following: "In consideration of assignment to L27A "C"-School, being unable at this lime to Incur additional obligated active service without potential monetary loss, I agree to an active duty obligation for 18 months to gain the total obligated service required by BUPERS Order: 2810 until November 2024.1 agree to reenlist/extend when eligible for a period of 2 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." On 19 March 2021 Petitioner reenlisted for 5 years with an EAOS of 18 March 2026. However, Petitioner's reenlistment was not ran in the system. Petitioner's signature was missing.

f. On 9 April 2021 Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 17 April 2021 for temporary duty, and on 8 June 2021 Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 11 June 2021 for temporary duty.

g. On 18 October 2021 Petitioner was issued official modification to change duty orders (BUPERS order: 2810) while stationed in [REDACTED] with an effective date of departure of March 2021. Petitioner's intermediate (1) activity was [REDACTED] for temporary duty with an effective date of arrival of 17 April 2021. Petitioner's intermediate (2) activity was [REDACTED] for temporary duty – under instruction with an effective date of arrival of 5 May 2021. Petitioner's intermediate (3) activity was [REDACTED] for temporary duty with an effective date of arrival of 10 June 2021. Petitioner's intermediate (4) activity was [REDACTED] for temporary duty – under instruction with an effective date of arrival of 27 June 2021. Petitioner's intermediate (5) activity was [REDACTED] for temporary duty – under instruction with an effective date of arrival of 3 November 2021. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 30 December 2021, with a Projected Rotation Date (PRD) of January 2025.

h. In November 2021 Petitioner earned NEC L27A, and on 2 November 2021, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 4 November 2021 for temporary duty. On 23 November 2021, Petitioner transferred from [REDACTED], and arrived to [REDACTED] 29 December 2021 for duty.

i. On 20 July 2022 the Commander, Explosive Ordnance Disposal Group [REDACTED] notified Commander, Navy Personnel Command that Petitioner was previously stationed at [REDACTED] and received orders to [REDACTED] with Dive School (DMT) NEC L27 A enroute. Upon completion, a graduate is eligible for advancement & SRB.

Petitioner was authorized an obligated service to Train and then reenlist (OTT) which allowed him to extend his EAOS to meet obligated service for 18 months rather than re-enlist, and on March 18, 2021, he signed an 18 month Page 13 agreement with his career counselor at [REDACTED] and submitted to Personnel [REDACTED]

On March 19, 2021, NMRTC [REDACTED] submitted a 5-year re-enlistment contract for Petitioner dated March 19, 2021 - the contract was not signed by Petitioner, however, it appears that [REDACTED] processed his reenlistment instead of the 18 month extension for the approved OTT. Petitioner was unaware this occurred.

After completing DMT in October 2021, Petitioner was expecting to be promoted & re-enlist for SRB, but was informed by the DMT Command Career Counselor that he was not eligible because he re-enlisted prior to detaching his last command. At the time Petitioner was eligible for a Zone A, 2.5 SRB.

j. 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 partial favorable action.

## 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 partial corrective action. The Board concluded that BUPERS order: 2810 to receive medical training and earn NEC HM/L27A required Petitioner to obligate service out to November 2024 and authorized Petitioner to place the obligated service on Administrative Remarks page 13 to minimize possible loss of SRB. Skill set HM/L27A was eligible for SRB as listed on reference (e)<sup>2</sup> and the STAR Program as listed on reference (d).<sup>3</sup> Since the graduation date was prior to Petitioner's EAOS, he was not authorized to OTT which guarantees SRB, however, since the SRB awarding NEC was listed on reference (e), Petitioner was authorized to execute a page 13 to satisfy the required obligated service. Petitioner was awarded NEC L27A on 2 November 2021 which is listed on reference (d) as being eligible for the STAR Program, however, the Career Counselor failed to properly submit Petitioner's STAR request to BUPERS-328 for approval. If the request had been submitted properly it would have been approved and Petitioner could have been advanced upon reenlistment. Petitioner was eligible to reenlist on 2 November 2021 for 5 years, designate the contract as a STAR and be advanced to E-5 effective 2 November 2021. At the time of reenlistment, skill set HM/L27A, Zone A is not listed as an awarding SRB in reference (f),<sup>4</sup> therefore, no SRB can be awarded.

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<sup>2</sup> Reference (e), FY21 SRB Award Plan (N13SRB 001/FY21) a zone "A" SRB with an award level of 2.5 (\$45,000 award ceiling) for the HM/L27A rate/NEC was listed.

<sup>3</sup> Reference (d), rating-NEC HM-L27A (Medical Deep Sea Diving Tech) with an obligated service of 5 years was listed with the following notes: MPM 1160-100 outlines the obligated service requirements for STAR program reenlistment.

<sup>4</sup> Reference (f), FY21 SRB Award Plan (N13SRB 005/FY21) a zone "A" SRB for the HM/L27A rate/NEC was not listed.

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RECOMMENDATION

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

Petitioner executed an Immediate Reenlistment Contract (NAVPERS 1070/601) on 2 November 2021 for a term of 5 years and listed "Career designated under MILPERSMAN 1160-100."

Petitioner was advanced to Petty Officer Second Class/E-5 effective 2 November 2021.

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

Note: Defense Finance and Accounting Service will complete an audit of Petitioner's records to determine if Petitioner is due any back pay and allowances.

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.

2/3/2023

[REDACTED]

Deputy Director

[REDACTED]