



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

[REDACTED]
Docket No. 7901-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD [REDACTED], USN,
XXX-XX [REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) OPNAVINST 1160.8A of 30 Jan 07
(c) NAVADMIN 284/16 of 21 Dec 16

Encl: (1) DD Form 149 w/attachments
(2) CMSB memo 1160 Ser B328/118 of 26 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 establish Petitioner reenlisted in April 2017 vice 29 September 2017 and was eligible for and received a Selective Reenlistment Bonus (SRB).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 3 November 2022 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. In accordance with reference (b), reenlistment/execution of an extension prior to the early reenlistment window for SRB is normally authorized for members who will pass through an SRB zone of eligibility within 12 months of EAOS. Reenlistment must be during the month the member passes through the zone and on or before the date the member passes through the zone.

c. On 6 May 2002, Petitioner entered active duty.

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

d. In December 2003, Petitioner earned NEC 5326/O26A (Special Warfare Operator (SEAL)).

e. Petitioner was released from active duty and transferred to the Naval Reserve with an Honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 6 May 2002 to 17 October 2008 upon completion of required active service.

f. On 21 September 2009, Petitioner reenlisted in the U.S. Navy for 4 years with an End of Active Obligated Service (EAOS) of 20 September 2013 with a Soft End of Active Obligated Service (SEAOS) of 20 September 2015. Petitioner's ADSD was 9 April 2003.

g. On 30 September 2012, Petitioner reenlisted for 5 years with an EAOS of 29 September 2017.

h. In accordance with reference (c), This NAVADMIN announced revised SRB award levels and reenlistment policy for active component and Full-Time Support (FTS). This NAVADMIN supersedes NAVADMIN 212/16. Increased award levels were effective immediately and decreased levels were effective 30 days after the release of this NAVADMIN.

Reenlistment Opportunity. Sailors must have reenlisted within 90 days and in the same fiscal year as their End of Active Obligated Service (OBLISERV (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 the same fiscal year as their EAOS. 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 the fiscal year of their EAOS.

Commands were required to submit SRB reenlistment requests to PERS-81 via Officer Personnel Information System (OPINS) or Navy Standard Integrated Personnel System (NSIPS) 35 to 120 days in advance of the Sailors requested reenlistment date. Requests submitted less than 35 days prior to the requested reenlistment date were rejected. However, commands may contact PERS-81 for waiver eligibility and procedures. Sailors must have had an approved SRB request before reenlisting. Furthermore, a zone "C" SRB with an award level of 6.5 (\$100,000 award ceiling) for the SO/5326 rate/NEC was authorized.

i. On 13 March 2017, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) while stationed in [REDACTED] with an effective date of departure of March 2017. Petitioner's ultimate activity was [REDACTED], [REDACTED] for duty with an effective date of arrival of 28 April 2017.

j. On 9 April 2017, Petitioner entered zone "D."

k. On 29 September 2017, Petitioner reenlisted for 5 years with an EAOS of 28 September 2022.

l. In correspondence attached as enclosure (2), the office having cognizance over the subject

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

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 enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that in accordance with reference (b), Petitioner was eligible to reenlist early because he would have passed through zones within 12 months of his EAOS. Petitioner crossed into zone D on 9 April 2017. If Petitioner had been properly counseled, he would have been advised to reenlist no later than 8 April 2017 and receive a zone C SRB.

RECOMMENDATION

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

Petitioner was discharged and reenlisted on "7/8 April 2017" vice "28/29 September 2017" for a term of 5 years.

Note: This change will entitle the Petitioner to a Zone "C" SRB with an award level of 6.5 (\$100,000 award ceiling) for the SO/5326 (O26A) rate/NEC. Remaining obligated service to 29 September 2017 will be deducted from SRB computation.

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.

11/14/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]