



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

[REDACTED]
Docket No. 8635-22
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) NAVADMIN 108/20 of 15 Apr 20
(c) FY20 SRB Award Plan (N13SRB 003/FY20), 30 Apr 20

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by CMSB memo 1160 Ser B328/131, 29 Nov 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 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 15 December 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. On 31 October 2006 Petitioner entered active duty.

c. In April 2012 Petitioner was awarded NEC O26A (Special Warfare Operator (SEAL)).

d. On 28 February 2016 Petitioner reenlisted for 5 years with an End of Active Obligated Service (EAOS) of 27 February 2021.

e. On 3 February 2020 Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) with required obligated service to June 2022, while stationed in [REDACTED].

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[REDACTED] with an effective date of departure of May 2021. Petitioner's intermediate (1) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 20 June 2020. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 30 June 2020, with a Projected Rotation Date (PRD) of June 2022.

f. In accordance with reference (b), announced revised SRB policy for Active Component (AC) and Full-Time Support (FTS), 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.

g. In accordance with reference (c), FY20 SRB Award Plan (N13SRB 003/FY20) a zone "C" SRB with an award level of 7.0 (\$100,000 award ceiling) for the SO/O26A rate/NEC was listed.

h. On 20 June 2020 Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 21 June 2020 for temporary duty.

i. On 13 July 2020 Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 23 July 2020 for duty.

j. On 31 October 2020 Petitioner entered zone "D."

k. On 25 February 2021 Petitioner reenlisted for 3 years with an EAOS of 24 February 2024.

l. 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 enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that on 3 February 2020 Petitioner was issued BUPERS order: [REDACTED] with required obligated service to June 2022 and was required to obligate within 30 days of receipt of orders and prior to transfer. Petitioner reenlisted after his transfer and after he crossed into zone "D." Petitioner should have been advised to reenlist prior to his detachment date of 20 June 2020 and he would have been eligible for a zone "C" SRB.

RECOMMENDATION

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

Petitioner was discharged and reenlisted on "30/31 May 2020" vice on "24/25 February 2021" for a term of "4 years" vice "3 years."

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Note: This change will entitle the member to a zone "C" SRB with an award level of 7.0 (\$100,000 award ceiling) for the SO/O26A rate/NEC. Remaining obligated service to 27 February 2021 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.

12/23/2022

