

DEPARTMENT OF THE NAVY

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

> Docket No. 8753-22 Ref: Signature Date

Dear

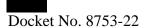
This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 16 February 2023. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies. In addition, the Board also considered the advisory opinion by Headquarters, U. S. Marine Corps memorandum 5420 MMEA of 12 December 2022, which was previously provided to you. You were afforded an opportunity to submit a rebuttal, but did not do so.

On 19 March 2007 you entered active duty. On 26 August 2010, you reenlisted for 4 years and 7 months with an end of current contract (ECC) of 25 March 2015. On 2 August 2011, you were promoted to Sergeant/E-5. On 13 September 2012, you were assigned ADMOS1 0913.

In accordance with MARADMIN 296/14 published on 20 June 2014, the Selective Retention Bonus (SRB) program authorized for FY15 and the suspension of the FY15 Broken Service SRB (BSSRB) program. First term marines (Zone A) who reenlisted on or after 1 July 2014 were eligible for the FY15 SRB program. Career marines (Zone B and C) who reenlisted on or after 1 July 2014 were eligible for the FY15 SRB program. This included any regular component first term or career marine with an ECC from 1 October 2014 to 30 September 2015.

Zone B applied to those active component marines with 6 to 10 years of active military service. Marines with exactly 10 years of active service on the date of reenlistment may be paid a Zone B bonus if they had not previously received a Zone B bonus. If they had



received a Zone B bonus, or if no Zone B bonus is designated, they may have be paid a Zone C bonus. Zone B lateral move SRB payments were only authorized for those MOS(s) designated with Lateral Move (LM). Zone B SRB payments for Marines who reenlisted for at least 48 months of obligated service were authorized as follows (bonuses for marines who reenlist for 36 to 47 months of obligated service will be calculated as per para 3.g). Furthermore, a Zone "B" SRB for MOS 0211 LM, which was capped at \$46,750 for 48 months of additional obligated service was authorized.

In accordance with MARADMIN 485/14 published on 25 September 2014, the purpose was to provide commanders, senior enlisted leaders, career planners, and individual Marines with information regarding the origin, requirement for, and program elements of the Enlisted Career Force Controls (ECFC) program. This MARADMIN superseded ref a, and provides the ECFC policies for FY15.

Service limits ensure that Marines who have reached a certain year of service in their current grade without being selected for promotion were either separated from the active component at their End of Active Service (EAS) or are required to transfer to the Fleet Marine Corps Reserve (FMCR). Service limits are as follows: Sergeant 10 years active Marine Corps Service.

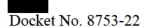
Sergeants with between 7 and 8 years of service who had never been in-zone for Staff Sergeant may be authorized a 36 month reenlistment if their Primary Military Occupational Specialties (PMOS) is eligible for a selective reenlistment bonus (SRB). The service limitation for sergeants is 10 years or 2 failed selections to Staff Sergeant. The implementation of this change has multiple aspects. All existing service contracts for Sergeants will be honored regardless of time in service (TIS) constraints.

On 8 December 2014 you signed an agreement to extend enlistment for 23 months with an EAS of 25 February 2017 in order to have sufficient obligated service for ECFCS.

On 1 May 2015 you signed a Reenlistment Extension Lateral Move (RELM) Request (NAVMC 11537) in order to extend in FY15 for 25 months. Furthermore, the following was written: "SNM is requesting a lateral move to MOS 0211. SNM has already been accepted by the 0211 recruiter and has his acceptance letter. Due to service limitations for sergeants and the fact SNM has 23 months' worth of extensions on his current contract, SNM may only request a 25 month extension for obligated service to make the lateral move. SNM will require a Commanding General (CG) waiver as this will take him over ECFCS." Petitioner's request was approved by cognizant authority on 8 May 2015.

On 5 July 2015 your Careerist Active Duty Lateral Move request was submitted, and approved by Headquarters, U.S. Marine Corps (HQMC) on 21 October 2015.

On 30 October 2015 you were assigned ADMOS2 0311 and you reenlisted for 4 years with an ECC of 29 October 2019. On 26 August 2016, you were assigned PMOS of 0211.



In accordance with MARADMIN 465/16 published on 7 September 2016, appointments for Marines listed in paragraph 2 will be issued to fill vacancies in the selected grade in the order of seniority. Monthly promotions will be announced by separate MARADMINS. The following selectees were approved on 7 September 2016: "...Matson JA 0211/355/115..."

On 1 October 2016 you were promoted to Staff Sergeant/E-6. On 19 July 2019, you reenlisted for 4 years and 4 months with an ECC of 18 November 2023. On 1 February 2020, you were promoted to Gunnery Sergeant/E-7.

You requested an SRB for MOS 0211 for the 48 month reenlistment on 30 October 2015. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertion that you had completed your original package before your extension took effect in March 2015. In accordance with MARADMIN 296/14, Zone B SRB payments for Marines who reenlist for at least 48 months of obligated service are authorized as follows (bonuses for marines who reenlist for 36 to 47 months of obligated service will be calculated as per para 3.g). A Zone "B" SRB for MOS 0211 LM, which is capped at \$46,750 for 48 months of additional obligated service was authorized. When your extension took effect on 26 March 2015, you were not eligible to reenlist for the minimum of 36 months of additional service. MARADMIN 485/14 set the active service limitations for Sergeants at 10 years. You would have completed 10 years of active service on 19 March 2017, therefore, the Board concluded that you were ineligible to reenlist for 36 months additional obligated service at that time and were ineligible for SRB. Furthermore, on 26 March 2015, your 23-month extension took effect and your ECC became 25 February 2017. You reenlisted for 48 months on 30 October 2015 and your ECC became 29 October 2019. Because your extension had taken effect, your reenlistment of 48 months in not sufficient to gain eligibility for SRB and you were ineligible to gain more time on contract because you were at service limitations for Sergeant with over 12 years at ECC. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

