



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

██████████
Docket No. 8824-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████ ██████████, USN,
██████████

Ref: (a) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by CMSB memo 1160 Ser B324/134, 5 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's Soft End of Active Obligated Service (SEAOS) is 1 April 2023 vice 1 April 2024.

2. The Board, consisting of ██████████ ██████████ and ██████████ reviewed Petitioner's allegations of error and injustice on 22 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 7 November 2017, Petitioner enlisted for 8 years with an Expiration of Obligated Service (EOS) of 6 November 2025 as an E-3. Furthermore, he signed an Enlistment Guarantees (NAVCRUIT 1133/52) Annex "A" to DD Form 4 dated 7 November 2017 listing the following option: Aviation Electronic, Electrical, & Computer Systems Technician (AV/SG) Program Guarantee.

c. On 12 February 2018, Petitioner signed an Enlistment Guarantees (NAVCRUIT 1133/52) Annex "B" to DD Form 4 dated 7 November 2017 listing the following option: Advanced Technical Field Special Warfare Operator (ATF/SO 6YO) Challenge Program.

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

d. On 12 February 2018, Petitioner signed an agreement to extend enlistment for 24 months with a SEAOS of 1 April 2024 for the following: "Training in the Advanced Electronic Field (AEF)/Advanced Technical Field (ATF) Program and advancement to paygrade E4 per MILPERSMAN Articles 1160-040 and 1510-030. I understand that this extension becomes binding upon execution and thereafter may not be cancelled except as set forth in MILPERSMAN Article 1160-040. In particular, I understand that when I accept advancement to E4, 12 months of this agreement may not be cancelled whether or not I complete advanced training. This is my first enlistment."

e. On 2 April 2018, Petitioner entered active duty with an End of Active Obligated Service (EAOS) of 1 April 2022 and SEAOS of 1 April 2024.

f. On 11 April 2018, Petitioner signed an agreement to extend enlistment for 12 months with a SEAOS of 1 April 2023 for the following: "Training in the Advanced Technical Field (ATF). MILPERSMAN 1510-030 is governing directive. I understand that this extension of active service becomes binding upon execution and thereafter may not be cancelled except as set forth in MILPERSMAN 1160-040 and 1510-030."

g. On 11 April 2018, Petitioner signed an agreement to extend enlistment for 12 months with a SEAOS of 1 April 2024 for the following: "Advancement to rate and grade per MILPERSMAN 1430-010. I understand this extension becomes binding upon advancement and may not be cancelled except as per MILPERSMAN 1160-040."

h. On 20 November 2018, Petitioner signed an Enlistment Guarantees (NAVCRUIT 1133/52) Annex "C" to DD Form 4 dated 7 November 2017 listing the following option: Hospital Corpsman (HM 5YO) Class "A" School Guarantee.

i. On 20 February 2019, Petitioner was issued official modification to change duty orders (BUPERS order: 1178) while stationed in [REDACTED] with an effective date of departure of June 2018. Petitioner's intermediate (1) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 2 June 2018. Petitioner's intermediate (2) activity was [REDACTED] for temporary duty with an effective date of arrival of 6 June 2018. Petitioner's intermediate (3) activity was [REDACTED] for temporary duty with an effective date of arrival of 29 November 2018. Petitioner's intermediate (4) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 22 January 2019. Petitioner's intermediate (5) activity was [REDACTED] for temporary duty awaiting instruction with an effective date of arrival of 29 April 2019. Petitioner's intermediate (6) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 14 July 2019. Petitioner's ultimate activity was [REDACTED], [REDACTED] for duty with an effective date of arrival of 20 September 2019, with a PRD of October 2021.

j. On 16 June 2022, Petitioner was advanced to Petty Officer Third Class/E-4 based on examination (NETPMSA).

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

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.

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 was in the SEAL Program that required a 6-year obligation; however, Petitioner was dropped after 6 weeks of training at no fault of his own and was reclassified into the Hospital Corpsman rating that required a 5-year obligation. Based on Petitioner's reclassification from a six year to a five-year obligation, Petitioner's SEAOS should be 1 April 2023 vice 1 April 2024.

RECOMMENDATION

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

Petitioner executed a 12-month agreement to extend enlistment (NAVPERS 1070/621) on 20 November 2018, operative on 2 April 2022 based on Hospital Corpsman (HM 5YO) Class "A" School Guarantee. Note: This change will establish an EAOS of 1 April 2023. Furthermore, that any other NAVPERS 1070/621 in Petitioner's OMPF be cancelled.

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.

1/9/2023

[REDACTED]