



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

[REDACTED]
Docket No. 1212-23
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) OPNAVINST 1160.8B, 1 Apr 19
(c) NAVADMIN 108/20, 15 Apr 20
(d) FY21 SRB Award Plan (N13SRB 001/FY21), 28 Oct 20

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by CMSB BUPERS-328, 17 Feb 23
(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 on 13 November 2020 for 4 years 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 21 March 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. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 21 July 2011, Petitioner entered active duty.

b. On 20 July 2015, Petitioner reenlisted for 6 years with an End of Active Obligated Service (EAOS) of 19 July 2021.

c. On 29 October 2018, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) with required obligated service to August 2023, while stationed at [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of June 2019. Petitioner's intermediate (01) activity was [REDACTED]

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[REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 22 June 2019. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 26 August 2019, with a Projected Rotation Date (PRD) of August 2023.

d. On 4 January 2019, Petitioner signed an agreement to extend enlistment for 25 months with a SEAOS of 19 August 2023 in order to obligate for orders.

e. In accordance with reference (b), SRB may not be paid for any remaining service obligation on the current enlistment (for members reenlisting early), including non-operative agreement(s) to extend enlistment and agreement(s) to remain on active duty. Extensions for personnel who reenlist prior to an extension becoming operative and reenlist for at least 2 years, day for day, beyond the extension agreement may have a maximum of 24 months of an inoperative extension used for SRB computation.

f. On 21 June 2019, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 21 June 2019 for temporary duty.

g. On 22 July 2019, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 14 August 2019 for temporary duty.

h. On 10 October 2019, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 10 October 2019 for duty.

i. 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.

Sailors who have inoperative extension time through a 5- or 6-year obligation program may continue to have up to 24 months of inoperative extension time count towards the SRB calculation provided the reenlistment results in a new EAOS that is at least 24 months day-for-day past their current extended EAOS.

j. In accordance with reference (d), FY21 SRB Award Plan (N13SRB 001/FY21) a Zone "B" SRB with an award level of 2.5 (\$30,000 award ceiling) for the TM rate was listed.

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

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corrective action. The Board concluded that Petitioner met the criteria to reenlist in November 2020 as his EAOS prior to his extension becoming operative. If the Command Career Counselor had submitted a precertification to reenlist for 4 years on 13 November 2020 to BUPERS 328, it would have been approved. However, in accordance with reference (b), the 25-month inoperative extension of enlistment will not be discounted since Petitioner will not be reenlisting for at least 2 years, day for day, beyond the extension agreement.

RECOMMENDATION

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

Petitioner was discharged on 12 November 2020 and reenlisted on 13 November 2020 for a term of 4 years.

Note: This change will entitle the member to a Zone "B" SRB with an award level of 2.5 (\$30,000 dollar award ceiling) for the TM rate. Remaining obligated service to 19 August 2023 will be deducted from SRB computation since Petitioner will not be reenlisting for at least 2 years, day for day, beyond the extension agreement.

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.

3/31/2023

