



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

██████████
Docket No. 1421-23
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 6 April 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 Community Management Support Branch BUPERS-328 of 27 February 2023, which was previously provided to you. You were afforded an opportunity to submit a rebuttal, but did not do so.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

On 30 July 2014, you entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 29 July 2018 and Soft EAOS (SEAOS) of 29 July 2020.

In accordance with MILPERSMAN 1160-040 published on 16 February 2017, "Fault of member" is defined as an intentional act of a Service member making the Service member culpable for the outcome which includes: A Sailor who willfully commits any action which results in attrition from a formal class "A" or "C" school; or A Sailor who voluntarily withdraws, drops, or quits a course of instruction. Note: Inoperative extensions will not be cancelled if it is determined that the member is at fault.

On 10 February 2020, you were issued official change duty orders (BUPERS order: 0410) with required obligated service to June 2025, while stationed at ██████████, ██████████ with an effective date of departure of May 2020. Your intermediate (01) activity was ██████████ for temporary duty under instruction with an effective date of arrival of 6 June 2020. Your ultimate activity was ██████████, ██████████ for duty under instruction with an effective date of arrival of 25 July 2020, with a Projected Rotation Date (PRD) of August 2021.

On 30 April 2020, you reenlisted for 3 years with an EAOS of 29 April 2023.

On 4 May 2020, you were issued official modification to change duty orders (BUPERS order: 0410) with required obligated service to August 2025, while stationed at ██████████ with an effective date of departure of July 2020. Your intermediate (01) activity was ██████████ for temporary duty under instruction with an effective date of arrival of 1 August 2020. Your ultimate activity was ██████████ for duty under instruction with an effective date of arrival of 19 September 2020, with a PRD of October 2021.

On 21 May 2020, you signed an agreement to extend enlistment for 23 months with an SEAOS of 29 March 2025 in order to incur obligated service to execute BUPERS order 0410 of 4 May 2020.

On 22 May 2020, you signed an agreement to extend enlistment for 5 months with an SEAOS of 29 August 2025 in order to incur obligated service to execute BUPERS order 0410 of 4 May 2020.

On 4 June 2020, you were issued official modification to change duty orders (BUPERS order: 0410) while stationed at ██████████ with an effective date of departure of July 2020. Your intermediate (01) activity was ██████████ for temporary duty with an effective date of arrival of 20 July 2020. Your intermediate (02) activity was ██████████ for temporary duty under instruction with an effective date of arrival of 3 August 2020. Your ultimate activity was ██████████ for duty under instruction with an effective date of arrival of 19 September 2020, with a PRD of December 2021.

On 2 July 2020, you transferred to ██████████ and arrived to ██████████ on 18 September 2020 for temporary duty.

On 12 November 2020, you were issued official change duty orders (BUPERS order: 3170) while stationed at ██████████ with an effective date of departure of December 2020. Your intermediate (01) activity was ██████████ for temporary duty with an effective date of arrival of 13 January 2021. Your intermediate (02) activity was ██████████ for temporary duty under instruction with an effective date of arrival of 16 February 2021. Your ultimate activity was ██████████, ██████████ for duty with an effective date of arrival of 9 March 2021, with a PRD of March 2024.

[REDACTED]

On 8 December 2020, you transferred to [REDACTED] and arrived to [REDACTED] on 13 January 2021 for temporary duty. On 5 March 2021, you transferred to [REDACTED] and arrived to [REDACTED] on 5 March 2021 for duty.

On 22 April 2021, you were issued official change duty orders (BUPERS order: 1121) while stationed at [REDACTED] with an effective date of departure of September 2021. Your ultimate activity was [REDACTED] for duty with an effective date of arrival of 30 September 2021, with a PRD of March 2024.

On 30 September 2021, you transferred to [REDACTED] and arrived to [REDACTED] on 30 September 2021 for duty.

You requested to adjust your 28 month extension to 9 months. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that in accordance with MILPERSMAN 1160-040, inoperative extensions will not be cancelled if it is determined that the member is at fault. "Fault of member" is defined as an intentional act of a Service member making the Service member culpable for the outcome, which includes a Sailor who voluntarily withdraws, drops, or quits a course of instruction. You voluntarily dropped on request from your course of instruction; therefore, the Board determined that a change to your record is unwarranted. 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.

Sincerely,

4/12/2023

[REDACTED]

Deputy Director

[REDACTED]