



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

[REDACTED]
Docket No. 2169-23
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by CMSB BUPERS-328, 21 Mar 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's reenlistment of 1 January 2022 was executed for a term of 3 years vice 5 years.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 2 May 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. On 19 June 2001, Petitioner entered active duty.

b. On 17 August 2020, Petitioner was issued official change duty orders (BUPERS order: 2300) with required obligated service to May 2024, while stationed a [REDACTED] [REDACTED] with an effective date of departure of March 2021. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 16 April 2021, with a Projected Rotation Date (PRD) of May 2024.

c. On 1 January 2021, Petitioner reenlisted for 4 years with an End of Active Obligated Service (EAOS) of 31 December 2025.

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[REDACTED]

d. On 31 March 2021, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 31 March 2021 for duty.

e. On 8 March 2023, ISIC Career Counselor, [REDACTED] notified the Board for Correction of Naval Records that on March 8, 2023 he advised and counseled Petitioner on his options regarding the submission of his Fleet Reserve request. In the process of Petitioner's initial counseling, it was found that the command that advised him and PSD that processed his reenlistment contract did so erroneously. It was erroneously created and processed in that Petitioner's High Year Tenure (HYT) is 18 June 2025. This contract brought him past his HYT ending with his EAOS at 31 December 2025. In order for this situation to occur, a large oversight was had on the part of the processing command as well as system changes needed to be made for this contract to be processed. Performing due diligence, he contacted the Enlisted Community Manager regarding this issue. It was affirmed that a NAVPERS 1306/7 request was never submitted requesting the 6 month waiver. If Petitioner had been properly advised and counseled, he would have never reenlisted for 5 years.

f. 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 receipt of orders requiring obligated service out to May 2024. Petitioner's 5-year term reenlistment takes him past his HYT of 18 June 2025. The Board determined that Petitioner only needed to reenlist for 3 years and execute a 5-month extension of enlistment in order to meet the required OBLISERV to execute his orders.

RECOMMENDATION

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

The immediate reenlistment contract (NAVPERS 1070/601) executed on 1 January 2021 was for a term of 3 years vice 5 years.

Petitioner executed a 5-month agreement to extend enlistment (NAVPERS 1070/621) operative on 1 January 2024.

Note: This will establish an EAOS of 31 December 2023, and Soft EAOS of 31 May 2024. 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.

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[REDACTED]

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.

5/14/2023

[REDACTED]

Deputy Director

[REDACTED]