



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

[REDACTED]
Docket No. 4655-23
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

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by CMSB BUPERS-328, 7 Jun 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 remove his 24 month extensions signed on [REDACTED] in order to submit a 12 month extension in its place.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 6 July 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 17 January 2020, Petitioner enlisted in the U.S. Naval Reserve for 8 years with an expiration of obligated service of 16 January 2028.

b. On 27 February 2020, Petitioner signed an agreement to extend enlistment for 12 months with a Soft End of Active Obligated Service (SEAOS) of 20 April 2025 for the following reason: "Training Five-Year Obligor Program for SECF/5YO rating per current directives. I understand that this agreement becomes binding upon execution, and may not be cancelled, except as set forth in MILPERSMAN Article 1160-040."

c. On 21 April 2020, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 20 April 2024.

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d. On 1 June 2020, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) while stationed at [REDACTED], [REDACTED] [REDACTED] with an effective date of departure of June 2020. Petitioner's intermediate activity (01) was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival 27 June 2020.

e. On 22 June 2020, Petitioner transferred from [REDACTED], and arrived to [REDACTED], and arrived on 22 June 2020 for temporary duty.

f. On 21 October 2020, Petitioner was issued official modification to change duty orders (BUPERS order: [REDACTED]) while stationed at [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of June 2020. Petitioner's intermediate activity (01) was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival 6 July 2020. Petitioner's intermediate activity (02) was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival 25 July 2020. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty under instruction with an effective date of arrival of 26 September 2020, with a Projected Rotation Date (PRD) of April 2021.

g. On 10 February 2021, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 10 February 2021 for duty under instruction.

h. On 17 May 2021, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) while stationed at [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of May 2021. Petitioner's intermediate activity (01) was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival 16 May 2021. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 20 August 2021, with a PRD of March 2026.

i. On 7 July 2021, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 7 July 2021 for temporary duty.

j. On 26 July 2022, Petitioner signed an agreement to extend enlistment for 24 months with a SEAOS of 20 April 2029 for the following reason: "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."

k. On 26 July 2022, Petitioner was advanced to [REDACTED]/E-4 under special program.

l. On 30 July 2021, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 20 August 2021 for duty.

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m. On 13 April 2023, Education Service Officer/Assistant Service Officer, [REDACTED] notified Petitioner that the initial paperwork was processed by [REDACTED] and sent to [REDACTED] via TOPS. They no longer use TOPS as they have transitioned to Salesforce. PSD [REDACTED] don no longer handles their transactions. [REDACTED] does not have record of Petitioner's extension. It is an unfortunate combination of events.

As Petitioner originally contracted, he should have had an initial contract of 4 years with a 12-month extension. Once he "switched" to ITS then he needed to add an additional 12 months. Petitioner currently has a total of 7 years, so he has 12 months too many on his extensions. This needs to be corrected by cancelling the 24-month extension and creating a 12-month extension in its place. The extra 12 months will also effect a potential reenlistment bonus.

n. 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 entered active duty on 21 April 2020 for 4 years and executed a 12-month extension of enlistment resulting in his EAOS of 20 April 2024, and a SEAOS of 20 April 2025. Petitioner executed an additional 24-month extension on 26 July 2022 with the understanding that the 12-month extension had not been executed and made part of his official record. The 24-month extension of enlistment executed on 26 July 2022 should be corrected to reflect his contract expiration date as 20 April 2026 and Total Aggregate months as 24 vice 36.

RECOMMENDATION

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

Petitioner's 12-month agreement to extend enlistment (NAVPERS 1070/621) executed on 27 February 2020 was cancelled.

Petitioner's 24-month agreement to extend enlistment (NAVPERS 1070/621) executed on 26 July 2022 listed a contract expiration date of 20 April 2026 vice 20 April 2029, and total aggregate months of 24 vice 36. Note: this will establish an EAOS of 20 April 2024 and SEAOS of 20 April 2026.

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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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.

7/25/2023

