

DEPARTMENT OF THE NAVY

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

> Docket No. 7271-23 Ref: Signature Date

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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 21 November 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 considered the advisory opinion by the Branch Head, Community Management Support Branch memo 1160 Ser B328/146 of 13 September 2023, and your response to the advisory.

On 11 December 2017, you entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 10 December 2021 and Soft EAOS (SEAOS) of 10 December 2023.

In accordance with OPNAVINST 1160.8B, published on 1 April 2019, 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. The exceptions in subparagraphs 10a through 10c apply. b. 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.

Selective Reenlistment Bonus (SRB) Computation Rules. Rule 1. When a member reenlists, compute reenlistment bonus by using 1-month base pay, at the base pay rate applicable on the date of discharge from active duty, multiplied by the SRB award level on the date of reenlistment. Note 2: Example of base pay calculation: An E-4 is at EAOS after a 4-year

enlistment and has been selected and frocked to E-5. Member is discharged and reenlists. Member's SRB is based on the monthly basic pay on the date of discharge (i.e., E-4 over 3 years).

In accordance with NAVADMIN 108/20 published on 15 April 2020, this NAVADMIN 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.

In accordance with Navy Standard Integrated Personnel System (NSIPS) Pre Cert Request, effective 27 October 2021, the SRB/ESRB Status reflected a Zone A SRB approved for the amount of \$34,128 for a 4-year reenlistment on 10 December 2021.

On 10 December 2021, Reenlistment Officer signed an Administrative Remarks (NAVPERS 1070/613) listing the following: "Entitled to SRB based on the rating, NEC M2DV, Zone A, award level 3.0. Total entitlement: \$35,737.20. First installment of \$17,868.60 paid by EFT. Member has acknowledged that entitlement to SRB must continue in order to receive subsequent installments OF \$5,956.20. AUTH: NPC MSG."

On 10 December 2021, you reenlisted for 4 years with an EAOS of 9 December 2025 and received a Zone A SRB.

On 30 November 2022, your Master Military Pay Account shows a Zone A SRB entitlement of \$34,128.00.

You requested a correction be made to the computation of your SRB received for your reenlistment of 10 December 2021, as the current documentation reflects a deficit of \$1609.20. 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 OPNAVINST 1160.8B of 1 Apr 2019, a member's SRB is based on the monthly basic pay on the date of discharge. You reenlisted prior to crossing over 4 years of service for pay, therefore your SRB was paid based on E-5 under 4 years of service. Furthermore, in accordance with NAVADMIN 108/20 Sailors are required to reenlist within 365-days of their EAOS. Your reenlistment took place on your EAOS, which is the last day you were within 365 days of your EAOS. Moreover, you had a 24-month inoperative extension that would have been made operative on 11 December 2021, which would have counted against the SRB if you had reenlisted upon reaching your 4-year mark. You assert that you understand the Navy's position, but you relied on their good faith promise that you would receive the amount of \$35,737.20. However, the NSIPS Pre Cert Request you provided, effective 27 October 2021, the SRB Status reflected a Zone A SRB approved for the amount of \$34,128 for a 4-year reenlistment on 10 December 2021. The Board determined that you were paid in accordance with the approved SRB precertification. 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.

