



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

██████████
Docket No. 8045-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████ USN,
XXX-XX ██████████

Ref: (a) Title 10 U.S.C. § 1552
(b) NAVADMIN 108/20, 15 Apr 20
(c) FY20 SRB Award Plan (N13 SRB 003/FY20), 30 Apr 20

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by OCNO N133D, 28 Sep 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 cancel operative/non-operative extension and show Petitioner reenlisted on 31 July 2020 and was eligible for and received a Selective Reenlistment Bonus (SRB).

2. The Board, consisting of ██████████, ██████████, ██████████ reviewed Petitioner's allegations of error and injustice on 12 October 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 14 April 2014, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 13 April 2018 and Soft EAOS (SEAOS) of 13 April 2020; "Training in the Nuclear Field Program and advancement to E4 per MILPERSMAN Articles 1160-040 and 1510-030.1 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 Nuclear Power or Advanced Training. This is my first enlistment."

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- b. On 24 May 2016, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 24 May 2016 for duty.
- c. On 30 June 2017, Petitioner reenlisted for 6 years with an EAOS of 29 June 2023 and received a Zone A SRB.
- d. In December 2018, Petitioner was awarded Navy Enlisted Classification (NEC) N15S.
- e. On 9 January 2019, Petitioner was issued official homeport shift orders (BUPERS order: [REDACTED]) while stationed at [REDACTED]; [REDACTED] with an effective date of departure of June 2019. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 1 June 2019, with a projected rotation date (PRD) of April 2020. Furthermore, effective date of [REDACTED] homeport change to [REDACTED] is 1 June 2019. Promulgation date was 1 January 2019.
- f. On 8 October 2019, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) with required obligated service to August 2023, while stationed in [REDACTED] with an effective date of departure of April 2020. Petitioner's intermediate (01) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 4 May 2020. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 8 August 2020 with a PRD of August 2023.
- g. On 10 April 2020, Petitioner was issued official modification to change duty orders (BUPERS order: [REDACTED]) with required obligated service to November 2023, while stationed in [REDACTED] with an effective date of departure of June 2020. Petitioner's intermediate (01) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 27 July 2020. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 14 November 2020 with a PRD of November 2023.
- h. On 14 April 2020, Petitioner entered Zone B.
- i. In accordance with reference (b), this NAVADMIN announced revised SRB policy for AC and FTS, superseding NAVADMIN 272/19. Sailors must now have reenlisted within 365 days of their End of Active Obligated Service (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.
- j. In accordance with reference (c) 30 April 2020, FY20 SRB Award Plan (N13SRB 003/FY20) a Zone "B" SRB with an award level of 8.5 (\$100,000 award ceiling) for the MMN(SS)/N150/S rate/NEC was listed.
- k. On 29 June 2020, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 28 July 2020 for temporary duty.

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l. On 29 June 2020, Petitioner's Master Military Pay Account (MMPA) shows that Petitioner's Submarine Pay stopped.

m. On 1 August 2020, Navy Standard Integrated Personnel System (NSIPS)/Electronic Service Record (ESR) shows a 5-month agreement to extend enlistment with an SEAOS of 29 November 2023.

n. On 14 November 2020, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 14 November 2020 for duty.

o. In February 2021, Petitioner was awarded NEC 805A.

p. On 18 September 2023, Petitioner was issued official separation orders (BUPERS order: [REDACTED]) while stationed in [REDACTED] with an effective date of departure of November 2023. Petitioner's place elected for travel: [REDACTED] with an effective date of separation of 29 November 2023.

q. 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 on 10 April 2020, Petitioner was issued a modification to BUPERS order: [REDACTED] with required obligated service to November 2023. At that time, Petitioner's EAOS was 29 June 2023. Petitioner entered Zone B on 14 April 2020. On 30 April 2020, reference (c) was published authorizing a Zone B SRB for MMN(SS)/N15S rate/NEC. On 1 August 2020, NSIPS/ESR shows a 5-month agreement to extend enlistment to meet the OBLISERV. The Board determined that Petitioner should have been advised to reenlist vice execute an extension of enlistment. Petitioner could have reenlisted on 31 July 2020 and he would have been eligible to receive a Zone B SRB.

RECOMMENDATION

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

Petitioner's 5-month agreement to extend enlistment (NAVPERS 1070/621) operative on 30 June 2023 is null and void.

Petitioner was discharged on 30 July 2020 and reenlisted on 31 July 2020 for a term of 4 years.

Note: This change will entitle Petitioner to a Zone "B" SRB with an award level of "8.5" (\$100,000 award ceiling) for the MMN(SS)/N15S rate/NEC rating/NEC. Remaining obligated

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service to 29 June 2023 will be deducted from SRB computation. Furthermore, that any other entries affected by the Board's recommendation be corrected. Contact Assistant Nuclear Enlisted Program Manager, N133D-[REDACTED], concerning SRB payment.

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.

10/25/2023

