



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

█
Docket No. 8047-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █, USN, X █

Ref: (a) Title 10 U.S.C. § 1552
(b) NAVADMIN 272/19, 2 Dec 19
(c) NAVADMIN 108/20, 15 Apr 20
(d) FY21 SRB Award Plan (N13SRB 005/FY21), 9 Aug 21

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 show that Petitioner reenlisted on 12 August 2021, was eligible for and received a Zone B Selective Reenlistment Bonus (SRB); that Petitioner was eligible for and received Continuous Submarine Duty Incentive Pay (CONSUBPAY) in conjunction with the reenlistment; and that Petitioner's eligibility to transfer education benefits to his dependents was restored.

2. The Board, consisting of █, █, and █ 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 5 August 2014, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 4 August 2018 and Soft EAOS (SEAOS) of 4 August 2020; "Training in the Nuclear Field Program, and advancement to E-4 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 MILPERSMAN Article 1160-040. In particular, I understand that, when I accept advancement to E-4, 12 months of this agreement may not be cancelled, whether or not I complete Nuclear Power or Advanced Training."

b. On 10 June 2016, Petitioner transferred from █, and arrived to █ on 13 July 2016 for duty.

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c. On 20 June 2016, Petitioner married [REDACTED] [REDACTED] (Active U.S. Navy). Petitioner's spouse was released from active duty and transferred to the Navy Reserve upon completion of required active service for the period of 2 July 2014 to 1 July 2020.

d. On 12 September 2016, Petitioner reenlisted for 6 years with an EAOS of 11 September 2022, and received a Zone A SRB.

e. On 17 September 2017, Petitioner's child was born.

f. In April 2018, Petitioner was awarded Navy Enlisted Classification (NEC) N73Z. In April 2019, Petitioner was awarded NEC N13S. In August 2019, Petitioner was awarded NEC N33Z.

g. In accordance with reference (b), this NAVADMIN announced revised SRB award levels and reenlistment policy for Active Duty (AC) and Full Time Support (FTS), updates to the pay for performance pilot (a Sailor 2025 initiative) and changes to how future SRB award levels will be announced. SRB award levels and reenlistment policy listed in this NAVADMIN superseded those contained in NAVADMIN 129/19. Sailors must have reenlisted within 270-days of their EAOS, except in the following cases: Nuclear-trained Sailors. Sailors who must obligate service (OBLISERV) to execute a permanent change of station move were allowed to reenlist early any time within 1 Calendar Year of the detachment month, but not later than the date of detachment from the last intermediate duty station. Commands were required to submit SRB reenlistment requests to BUPERS-328 via Officer Personnel Information System or Navy Standard Integrated Personnel System 35 to 120 days in advance of the requested reenlistment date of the Sailor. Requests submitted less than 35 days prior to the requested reenlistment date would be rejected. However, commands may contact BUPERS-328 for waiver eligibility and procedures. Sailors must have had an approved SRB request before reenlisting. Furthermore, a Zone "B" SRB with an award level of 9.5 (\$100,000 award ceiling) for the ETN(SS)/N13S rate/NEC was authorized.

h. On 27 January 2020, Petitioner was issued official change duty orders (BUPERS order: 0270) with required obligated service to December 2023, while stationed in [REDACTED] [REDACTED] [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of July 2020. Petitioner's intermediate (01) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 24 August 2020. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 12 December 2020 with a Projected Rotation Date of December 2023. Obligated service to December 2023 is required for this assignment, which can be satisfied by reenlistment or extension of enlistment. Use of NAVPERS 1070/613 only authorized for SRB eligible sailors.

i. In accordance with reference (c), this NAVADMIN announced revised SRB policy for AC and FTS, 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.

j. On 21 April 2020, Petitioner signed an agreement to extend enlistment for 15 months with an SEAOS of 11 December 2023 in order to extend to incur sufficient obligated service to execute BUPERS order 0270 of 20 January 2023.

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k. On 13 July 2020, Petitioner's Master Military Pay Account (MMPA) shows that Petitioner's Submarine Pay stopped.

l. On 13 July 2020, Petitioner transferred from [REDACTED], and arrived to [REDACTED] 24 August 2020 for temporary duty.

m. On 5 August 2020, Petitioner entered Zone B.

n. On 12 December 2020, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 12 December 2020 for duty.

o. In accordance with reference (d), FY21 SRB Award Plan (N13SRB 005/FY21) a Zone "B" SRB with an award level of 9.5 (\$100,000 award ceiling) for the ETN(SS)/N13S rate/NEC was listed.

p. In December 2021, Petitioner was awarded NEC 805A.

q. On 3 August 2023, Petitioner was issued official change duty orders (BUPERS order: 2153) with required obligated service to April 2028, while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of December 2023. Petitioner's intermediate (01) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 1 January 2024. Petitioner's intermediate (02) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 18 February 2024. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty commissioning and fitting out with an effective date of arrival of 8 March 2024 with a Projected Rotation Date of April 2028.

r. On 10 October 2023, Petitioner's Benefits for Education Administrative Service Tool (BEAST) listed no dependents.

s. 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 27 January 2020, Petitioner was issued BUPERS order: 0270 with required obligated service to December 2023. At that time, a Zone B SRB was authorized in accordance with reference (b), however Petitioner was still in Zone A. On 21 April 2020, Petitioner signed an agreement to extend enlistment for 15 months in order to OBLISERV for orders. On 5 August 2020, Petitioner entered Zone B. On 9 August 2021, reference (d) was published, authorizing a Zone "B" SRB with an award level of 9.5 (\$100,000 award ceiling) for the ETN(SS)/N13S rate/NEC. The Board determined that Petitioner should have signed NAVPERS 1070/613 agreeing to extend enlistment for 15 months to meet the OBLISERV vice extension of enlistment. On 12 August 2021, Petitioner would have been eligible to reenlist for 4 years and receive a Zone B SRB. Furthermore, CONSUBPAY would have been authorized in conjunction with the reenlistment and he would have been eligible to transfer his education benefits to his dependents.

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RECOMMENDATION

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

Petitioner's 15-month agreement to extend enlistment (NAVPERS 1070/621) executed on 21 April 2020 is null and void.

Petitioner executed an administrative remarks (NAVPERS 1070/613) on 21 April 2020 agreeing to extend enlistment for 15 months for OBLISERV to December 2023.

Petitioner was discharged 11 August 2021 and reenlisted on 12 August 2021 for a term of 4 years.

Note: This change will entitle Petitioner to a Zone "B" SRB with an award level of 9.5 (\$100,000 award ceiling) for the ETN(SS)/N13S rate/NEC rating/NEC. Remaining obligated service to 11 September 2022 will be deducted from SRB computation. Additionally, Navy Personnel Command is authorized to align the transfer education benefits and CONSUBPAY with the 12 August 2021 reenlistment. Furthermore, that any other entries affected by the Board's recommendation be corrected. Contact Assistant Nuclear Enlisted Program Manager, [REDACTED], [REDACTED], [REDACTED], [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.

10/17/2023

