



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

██████████
Docket No. 8053-23
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) FY20 SRB Award Plan (N13SRB 003/FY20), 20 Apr 20
(c) FY22 SRB Award Plan (N13SRB 001/FY22), 14 Feb 22

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 her naval record be corrected to cancel operative/non-operative extension and show that Petitioner reenlisted on 22 February 2022 for 3-years and was eligible for and received a Zone B Selective Reenlistment Bonus (SRB).

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 8 December 2014, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 7 December 2018 with a Soft EAOS (SEAOS) of 7 December 2020; "training in the nuclear field program, and advanced to paygrade E-4 per milper5man articles 1160-040, 1160-080, 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 E-4, 12 months of this agreement may not be cancelled, whether or not I complete nuclear power or advanced training."

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[REDACTED]

b. On 23 September 2016, Petitioner was issued official change duty orders (BUPERS order: 2676) while stationed in [REDACTED] with an effective date of departure of October 2016. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 23 November 2016 with a projected rotation date (PRD) of November 2020.

c. On 8 December 2016, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 15 December 2016 for duty.

d. On 23 May 2017, Petitioner reenlisted for 6 years with an EAOS of 22 May 2023 and received a Zone A SRB.

e. In January 2019, Petitioner was awarded Navy Enlisted Classification (NEC) N24S. In December 2019, Petitioner was awarded NEC N33Z.

f. In accordance with reference (c) FY20 SRB AWARD PLAN (N13SRB 003/FY20), a Zone "B" SRB with an award level of 6.5 (\$100,000 award ceiling) for the EMN(SW)/N24O/S rate/NEC was listed.

g. On 20 May 2020, Petitioner was issued official change duty orders (BUPERS order: 1410) with required obligated service to November 2023, while stationed in [REDACTED] with an effective date of departure of July 2020. Petitioner's intermediate (01) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 24 August 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. Obligated service to November 2023 is required for this assignment which may be satisfied by reenlistment or extension of enlistment. Circumstances such as potential monetary loss under critical skills bonus or SRB, refer to MILPERSMAN 1306-106. para 4. Use of NAVPERS 1070/613 only authorized for SRB eligible sailors.

h. On 1 June 2020, Navy Standard Integrated Personnel System (NSIPS)/Electronic Service Record (ESR) shows a 6-month agreement to extend enlistment with an SEAOS of 22 November 2023.

i. On 24 July 2020, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 10 August 2020 for duty.

j. On 13 November 2020, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 13 November 2020 for duty.

k. In December 2020, Petitioner was awarded NEC 805A.

l. On 8 December 2020, Petitioner entered Zone B.

m. In December 2020, Petitioner's first child was born, and petitioner was married on 1 March 2021.

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[REDACTED]

n. In accordance with reference (c) FY22 SRB AWARD PLAN (N13SRB 001/FY22), a Zone "B" SRB with an award level of 8.5 (\$100,000 award ceiling) for the EMN(SW)/N24O/S rate/NEC was listed.

o. In April 2023, Petitioner's second child was born.

p. On 20 September 2023, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 20 September 2023 for duty.

q. On 28 September 2023, NSIPS/ESR shows a 5-month agreement to extend enlistment with an SEAOS of 22 April 2024.

r. Petitioner's Benefits for Education Administrative Service Tool 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 20 May 2020, Petitioner was issued BUPERS order: 1410 with required obligated service to November 2023. At that time, Petitioner's EAOS was 22 May 2023. Upon receipt of orders, reference (c) was published authorizing a Zone B SRB for EMN(SW)/N24S rate/NEC, however Petitioner was still in Zone A. On 1 June 2020, NSIPS/ESR shows a 6-month agreement to extend enlistment to meet the OBLISERV. Petitioner should have been advised to sign a NAVPERS 1070/613 vice extension of enlistment then reenlist after crossing into Zone B. On 22 February 2022, Petitioner could have reenlisted for 3 years and 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 6-month agreement to extend enlistment (NAVPERS 1070/621) operative on 23 May 2023 is null and void.

Petitioner's 5-month agreement to extend enlistment (NAVPERS 1070/621) operative on 23 November 2023 is null and void.

Petitioner executed a NAVPERS 1070/613 on 1 June 2020 agreeing to extend enlistment for 6 months for OBLISERV to November 2023.

Petitioner was discharged 21 February 2022 and reenlisted on 22 February 2022 for a term of 3 years.

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[REDACTED]

Note: This change will entitle Petitioner to a Zone "B" SRB with an award level of "8.5" (\$100,000 award ceiling) for the EMN(SW)/N24S rating/NEC. Remaining obligated service to 22 May 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, [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.

10/20/2023

