



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

██████████
Docket No. 8057-23
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 001/FY20), 2 Dec 19
(c) FY20 SRB Award Plan (N13SRB 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 that Petitioner reenlisted on 18 June 2020 for 4 years and was eligible for and received a Zone B Selective Reenlistment Bonus (SRB), and that Petitioner's eligibility to transfer education benefits to his dependents was restored.

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 16 June 2014, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 15 June 2018 and Soft EAOS (SEAOS) of 15 June 2020; "Training in the Nuclear Field. MILPERSMAN 1510-030 and MILPERSMAN 1300-500, 1300-502, and 1300-504 (NT) are governing directives. Advancement to Rate and Grade per MILPERSMAN 1430-010. I understand that this extension of active service becomes binding upon execution, and thereafter may not be cancelled, except as set forth in MILPERSMAN Article 1160-040 and 1510-030. in particular, I understand that when I accept advancement to E4, 12 months of this

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[REDACTED]

agreement may not be cancelled whether or not I complete Nuclear Power or Advanced Training.

b. On 28 March 2015, Petitioner got married.

c. On 15 May 2016, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 23 June 2020 for duty.

d. On 3 May 2017, Petitioner reenlisted for 6 years with an EAOS of 2 May 2023 and received a Zone A SRB.

e. On 22 June 2017, Petitioner's first child was born.

f. In May 2019, Petitioner was awarded Navy Enlisted Classification (NEC) N24S.

g. In accordance with reference (b), FY20 SRB AWARD PLAN (N13SRB 001/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.

h. On 2 January 2020, Petitioner was issued official change duty orders (BUPERS order: 0020) 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 Projected Rotation Date (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.

i. In accordance with reference (d), 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.

j. On 4 May 2020, Petitioner was issued official modification to change duty orders (BUPERS order: 0020) with required obligated service to December 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 12 December 2020 with a PRD of December 2023.

k. On 16 June 2020, Petitioner entered Zone B.

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[REDACTED]

l. On 13 July 2020, Petitioner signed an agreement to extend enlistment for 7 months with a SEAOS of 2 December 2023 in order to extend to incur sufficient obligated service to execute BUPERS order 0020.

m. On 24 July 2020, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 25 August 2020 for duty.

n. On 30 November 2020, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 30 November 2020 for duty.

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

p. On 7 September 2022, Petitioner's second child was born.

q. On 5 September 2023, Petitioner was issued official separation orders (BUPERS order: 2483) while stationed in [REDACTED] with an effective date of departure of December 2023. Petitioner's place elected for travel: [REDACTED] with an effective date of separation of 12 December 2023.

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 2 January 2020, Petitioner was issued BUPERS order: 0020 with required obligated service to November 2023. At that time, Petitioner's EAOS was 2 May 2023. Furthermore, a Zone B SRB was authorized in accordance with reference (b), however Petitioner was still in Zone A. On 16 June 2020, Petitioner entered Zone B. On 13 July 2020, Petitioner signed an agreement to extend enlistment for 7 months to meet the OBLISERV. The Board determined that Petitioner should have been advised to reenlist vice executing an agreement to extend enlistment. On 18 June 2020, Petitioner could have reenlisted for 4 years and would have been eligible to receive an SRB. Furthermore, Petitioner would have been eligible to transfer his education benefits to his dependents.

RECOMMENDATION

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

Petitioner's 7-month agreement to extend enlistment (NAVPERS 1070/621) executed on 13 July 2020 is null and void.

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[REDACTED]

Petitioner was discharged 17 June 2020 and reenlisted on 18 June 2020 for a term of 4 years.

Note: This change will entitle Petitioner to a Zone "B" SRB with an award level of "6.5" (\$100,000 award ceiling) for the EMN(SW)/N24S rating/NEC. Remaining obligated service to 2 May 2023 will be deducted from SRB computation. Additionally, Navy Personnel Command is authorized to align the transfer education benefits with the 18 June 2020 reenlistment. 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.

10/26/2023

