



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

██████████
Docket No. 8313-23
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) NAVADMIN 108/20, 15 Apr 20
(c) FY21 SRB Award Plan (N13 SRB 005/FY21), 9 Aug 21

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by 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 1 January 2022 for 3 years 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 19 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 25 March 2014, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 24 March 2018 and Soft EAOS (SEAOS) 24 March 2020; "Training in the Nuclear Field Program and advancement to E4 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 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."

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[REDACTED]

- b. On 29 December 2016, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 10 February 2017 for duty.
- c. On 19 January 2018, Petitioner reenlisted for 6 years with an EAOS of 18 January 2024 and received a Zone A SRB.
- d. On 1 January 2020, Petitioner was awarded Navy Enlisted Classification (NEC) N16S.
- e. On 25 March 2020, Petitioner entered Zone B.
- f. 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 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.
- g. On 12 August 2020, Petitioner was issued official change duty orders (BUPERS order: 2250) while stationed in [REDACTED] with an effective date of departure of January 2021. Petitioner's intermediate (01) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 4 January 2021. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 7 June 2021 with a Projected Rotation Date (PRD) of June 2024.
- h. On 2 September 2020, Petitioner was issued official modification to change duty orders (BUPERS order: 2250) while stationed in [REDACTED] with an effective date of departure of December 2020. Petitioner's intermediate (01) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 4 January 2021. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 27 May 2021 with a PRD of May 2024.
- i. On 22 December 2020, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 3 January 2021 for temporary duty.
- j. On 22 December 2020, Petitioner's Master Military Pay Account shows that Petitioner's Submarine Pay stopped.
- k. On 23 December 2020, Petitioner was issued official modification to change duty orders (BUPERS order: 2250) while stationed in [REDACTED] with an effective date of departure of December 2020. Petitioner's intermediate (01) activity was [REDACTED] for temporary duty with an effective date of arrival of 2 January 2021. Petitioner's intermediate (02) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 19 January 2021. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 27 May 2021 with a PRD of May 2024.

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[REDACTED]

1. On 18 May 2021, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 17 June 2021 for duty.
 - m. In accordance with reference (c), FY21 SRB Award Plan (N13SRB 005/FY21) a Zone “B” SRB with an award level of 7.0 (\$100,000 award ceiling) for the MMN(ELT)(SS)/N16OS rate/NEC was listed.
 - n. On 27 December 2021, Petitioner was awarded NEC N76Z.
 - o. On 20 January 2023, Petitioner signed an agreement to extend enlistment for 4 months with an SEAOS of 18 May 2024 in order to match EAOS with PRD of May 2024.
 - p. 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 25 March 2020, Petitioner entered Zone B. On 12 August 2020, Petitioner was issued BUPERS order: 2250. Obligated service was not required. On 22 December 2020, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 17 June 2021 for duty. On 9 August 2021, reference (d) was published authorizing a Zone B SRB for MMN(ELT)(SS)/N16OS rate/NEC. On 20 January 2023, Petitioner signed an agreement to extend enlistment for 4 months with an SEAOS of 18 May 2024 in order to match EAOS with PRD of May 2024. The Board determined that Petitioner should have been advised to reenlist. On 1 January 2022, Petitioner would have been eligible to reenlist for 3 years and receive a Zone B SRB.

RECOMMENDATION

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

Petitioner’s 4-month agreement to extend enlistment (NAVPERS 1070/621) executed on 20 January 2023 is null and void.

Petitioner was discharged on 31 December 2021 and reenlisted on 1 January 2022 for a term of 3 years.

Note: This change will entitle the member to a Zone “B” SRB with an award level of “7.0” (\$100,000 award ceiling) for the MMN(SS)/N16S rate/NEC. Remaining obligated service to 18 January 2024 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.

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[REDACTED]

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

