



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

██████████
Docket No. 8318-23
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) FY20 SRB Award Plan (N13SRB 003/FY20), 30 Apr 20
(c) FY21 SRB Award Plan (N13 SRB 001/FY21), 28 Oct 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 1 December 2020 for 4 years and was eligible for and received a Selective Reenlistment Bonus (SRB).

2. The Board, consisting of ██████████, ██████████, and ██████████ 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 1 December 2014, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 30 November 2018 and Soft EAOS (SEAOs) of 30 November 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 canceled, 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 canceled, whether or not I complete Nuclear Power or Advanced Training".

b. On 4 November 2016, Petitioner transferred from ██████████ and arrived to ██████████ on 29 November 2016 for duty.

c. On 22 June 2017, Petitioner got married.

d. On 1 December 2017, Petitioner reenlisted for 6 years with an EAOS of 30 November 2023 and received a Zone A SRB.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN, XXX-XX-[REDACTED]

e. On [REDACTED], Petitioner's child was born.

f. In December 2018, Petitioner was awarded Navy Enlisted Classification (NEC) N14S. In December 2019, Petitioner was awarded NEC N33Z.

g. In accordance with reference (b), FY20 SRB Award Plan (N13SRB 003/FY20) a Zone "B" SRB with an award level of 7.0 (\$100,000 award ceiling) for the EMN(SS)/N14O/S rate/NEC was listed.

h. On 18 August 2020, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) with required obligated service to April 2024, while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of February 2021. Petitioner's intermediate (01) activity was [REDACTED], [REDACTED], [REDACTED], for temporary duty with an effective date of arrival of 20 March 2021. Petitioner's intermediate (02) activity was [REDACTED], [REDACTED], [REDACTED], for temporary duty under instruction with an effective date of arrival of 5 April 2021. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 26 April 2021 with a projected rotation date of April 2024.

i. On 3 September 2020, Petitioner signed an agreement to extend enlistment for 5 months with an SEAOS of 30 April 2024 in order to incur sufficient obligated service to execute BUPERS order [REDACTED].

j. In accordance with reference (c), FY21 SRB Award Plan (N13SRB 001/FY21) a Zone "B" SRB with an award level of 7.0 (\$100,000 award ceiling) for the EMN(SS)/N14O/S rate/NEC was listed.

k. On 1 December 2020, Petitioner entered Zone B.

l. On 19 February 2021, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 23 April 2021 for duty.

m. In April 2021, Petitioner was awarded NEC 805A. In May 2021, Petitioner was awarded NEC M41Z.

n. On 7 May 2021, Petitioner's Master Military Pay Account shows that Petitioner's Submarine Pay stopped.

o. In July 2021, Petitioner was awarded NEC N54Z. In July 2021, Petitioner was awarded NEC 766A. In May 2022, Petitioner was awarded NEC 8MTS.

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 18 August 2020, Petitioner was issued BUPERS order: [REDACTED] with

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN, XXX-XX-[REDACTED]

required obligated service to April 2024. At that time, a Zone B SRB was authorized in accordance with reference (b), however Petitioner was still in Zone A. On 3 September 2020, Petitioner signed an agreement to extend enlistment for 5 months with an SEAOS of 30 April 2024 in order to incur sufficient obligated service to execute BUPERS order [REDACTED]. On 1 December 2020, Petitioner entered Zone B. The Board determined that Petitioner should have been advised to reenlist after crossing into Zone B vice extending reenlistment to meet the OBLISERV. On 1 December 2020, Petitioner would have been eligible to reenlist for 4 years and would have received a Zone SRB. Furthermore, Petitioner is eligible to transfer his education Benefits to his dependents in conjunction with this reenlistment, if he so chooses.

RECOMMENDATION

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

Petitioner's 5-month agreement to extend enlistment (NAVPERS 1070/621) executed on 3 September 2020 is null and void.

Petitioner was discharged on 30 November 2020 and reenlisted on 1 December 2020 for a term of 4 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 EMN(SS)/N14S rate/NEC. Remaining obligated service to 30 November 2023 will be deducted from SRB computation. Additionally, Navy Personnel Command is authorized to align the TEB with the 1 December 2020 reenlistment, at Petitioner's request. 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.

10/27/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]