



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

██████████
Docket No. 8320-23
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) FY20 SRB Award Plan (N13SRB 003/FY20), 30 Apr 20
(d) FY21 SRB Award Plan (N13SRB 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 3 December 2020 for 4 years and was eligible for and received a Selective Reenlistment Bonus (SRB), and was eligible to transfer education benefits to his dependents.

2. The Board, consisting of ██████████ reviewed Petitioner's allegations of error and injustice on 16 November 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 2 December 2014, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 1 December 2018 and Soft EAOS (SEAOS) of 1 December 2020; "Training in the Nuclear Field. MILPERSMAN 1510-030 and MILPERSMAN 1306-500, 1306-502, and 1306-504 (NF) 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 1160-040 and 1510-030. In particular, I understand that when I accept advancement to E4, 12

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[REDACTED]

months of this agreement may not be cancelled whether or not I complete Nuclear Power or Advanced Training.”

- b. On 16 December 2016, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 16 December 2016 for duty.
- c. On 15 May 2017, Petitioner reenlisted for 6 years with an EAOS of 14 May 2023 and received a Zone A SRB.
- d. On 11 August 2018, Petitioner got married.
- e. In June 2019, Petitioner was awarded Navy Enlisted Classification (NEC) N15S.
- f. In accordance with reference (b), this NAVADMIN announced revised SRB policy for Active Component and Full Time Support, 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. In accordance with reference (c), FY20 SRB Award Plan (N13SRB 003/FY20), a Zone “B” SRB with an award level of 8.5 (\$100,000 award ceiling) for the MMN(SS)/N150/S rate/NEC was listed.
- h. On 18 June 2020, Petitioner was issued official change duty orders (BUPERS order: 1700) with required obligated service to January 2024, while stationed in [REDACTED] with an effective date of departure of December 2020. Petitioner’s ultimate activity was [REDACTED] SC for duty with an effective date of arrival of 15 January 2021 with a projected rotation date (PRD) of January 2024.
- i. On 15 September 2020, Petitioner’s child was born.
- j. On 29 September 2020, Petitioner was issued official modification to change duty orders (BUPERS order: 1700) with required obligated service to January 2024, while stationed in [REDACTED] with an effective date of departure of December 2020. Petitioner’s ultimate activity was [REDACTED] for duty with an effective date of arrival of 15 January 2021 with a PRD of January 2024.
- k. In accordance with reference (d), FY21 SRB Award Plan (N13SRB 001/FY21), a Zone “B” SRB with an award level of 8.5 (\$100,000 award ceiling) for the MMN(SS)/N150/S rate/NEC was listed.
- l. On 30 October 2020, Petitioner was issued official modification to change duty orders (BUPERS order: 1700) with required obligated service to May 2024, while stationed in [REDACTED] with an effective date of departure of December 2020. Petitioner’s intermediate (01) activity was [REDACTED] for temporary duty under instructions with an effective date of arrival of 11 January 2021. Petitioner’s ultimate

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activity was [REDACTED] for duty with an effective date of arrival of 1 May 2021 with a PRD of May 2024.

m. On 6 November 2020, Petitioner signed an agreement to extend enlistment for 12 months with an SEAOS of 14 May 2024 in order to incur sufficient obligated service to execute BUPERS order 1700.

n. On 2 December 2020, Petitioner entered Zone B.

o. On 11 December 2020, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 11 January 2021 for temporary duty.

p. On 11 January 2021, Petitioner's Master Military Pay Account shows that Petitioner's Submarine Pay stopped.

q. In May 2021, Petitioner was awarded NEC 805A.

r. On 1 May 2021, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 16 1 May 2021 for duty.

s. On 6 October 2022, Petitioner's child was born.

t. In August 2023, Petitioner was awarded NEC N33Z.

u. On 11 September 2023, Petitioner was issued official change duty orders (BUPERS order: 2543) with required obligated service to January 2027, while stationed in [REDACTED] with an effective date of departure of January 2024. Petitioner's intermediate (01) activity was [REDACTED] L for temporary duty under instruction with an effective date of arrival of 3 February 2024. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 11 April 2024 with a PRD of January 2027.

v. On 2 October 2023, Petitioner was issued official cancellation to change duty orders (BUPERS order: 2543).

w. On 30 October 2023, Petitioner's Benefits for Education Administrative Service Tool listed no dependents.

x. 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

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corrective action. The Board concluded that on 30 October 2020, Petitioner was issued official modification to change duty orders (BUPERS order: 1700) with required obligated service to May 2024. At that time, a Zone B SRB was authorized in accordance with reference (d); however, Petitioner was still in Zone A. On 6 November 2020, Petitioner signed an agreement to extend enlistment for 12 months to meet the OBLISERV. On 2 December 2020, Petitioner entered Zone B. The Board determined that Petitioner should have been advised to reenlist vice extend enlistment. On 3 December 2020, Petitioner would have been eligible to reenlist for 4 years and receive a Zone B SRB. Furthermore, he 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 12-month agreement to extend enlistment (NAVPERS 1070/621) executed on 6 November 2020 is null and void.

Petitioner was discharged on 2 December 2020 and reenlisted on 3 December 2020 for a term of 4 years.

Note: This change will entitle Petitioner to a Zone "B" SRB with an award level of "8.5" (\$100,000 award ceiling) for the MMN(SS)/N15S rate/NEC. Remaining obligated service to 14 May 2023 will be deducted from SRB computation. Additionally, Navy Personnel Command is authorized to align transfer education benefits with the 3 December 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.

11/24/2023

[REDACTED]