



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

██████████
Docket No. 8325-23
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 001/FY20), 2 Dec 19
(c) NAVADMIN 108/20, 15 Apr 20
(d) 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 Petitioner reenlisted on 21 May 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 ██████████, ██████████, and ██████████ 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 28 April 2014, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 27 April 2018 and Soft EAOS (SEAOS) of 27 April 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 canceled whether or not I complete Nuclear Power or Advanced Training."

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- b. On 27 December 2014, Petitioner got married and gained two stepchildren.
- c. On 11 August 2016, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 11 August 2016 for duty.
- d. On 21 October 2016, Petitioner reenlisted for 6 years with an EAOS of 20 October 2022 and received a Zone A SRB.
- e. On 14 January 2017, Petitioner's child was born.
- f. In February 2019, Petitioner was awarded Navy Enlisted Classification (NEC) N13S.
- g. In accordance with reference (b), FY20 SRB Award Plan (N13SRB 001/FY20), a Zone "B" SRB with an award level of 9.5 (\$100,000 award ceiling) for the ETN(SS)/N13O/S rate/NEC was listed.
- h. On 27 January 2020, Petitioner was issued official change duty orders (BUPERS order: 0270) with required obligated service to December 2023, while stationed in [REDACTED] with an effective date of departure of August 2020. Petitioner's intermediate (01) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 21 September 2020. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 12 December 2020 with a projected rotation date of December 2023. Obligated service to December 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. On 1 March 2020, Navy Standard Integrated Personnel System (NSIPS)/Electronic Service Record (ESR) shows a 19-month agreement to extend enlistment with an SEAOS of 20 May 2024.
- j. In accordance with reference (c), 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.
- k. On 28 April 2020, Petitioner entered Zone B.
- l. In accordance with reference (d), FY20 SRB Award Plan (N13SRB 003/FY20), a Zone "B" SRB with an award level of 9.5 (\$100,000 award ceiling) for the ETN(SS)/N13O/S rate/NEC was listed.
- m. On 24 August 2020, Petitioner's Master Military Pay Account shows that Petitioner's Submarine Pay stopped.

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- n. On 24 August 2020, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 22 September 2020 for temporary duty.
- o. On 11 December 2020, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 11 December 2020 for duty.
- p. In January 2021, Petitioner was awarded NEC 805A.
- q. On 8 November 2023, Petitioner's Benefits for Education Administrative Service Tool listed Petitioner's child ([REDACTED]) was approved with a transfer request date of 22 May 2020 and obligation end date of 20 May 2024.
- r. 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 27 January 2020, Petitioner was issued BUPERS order: 0270 with required obligated service to December 2023. At that time, a Zone B SRB was authorized in accordance with reference (b). On 1 March 2020, NSIPS/ESR shows a 19-month agreement to extend enlistment to meet the OBLISERV. On 28 April 2020, Petitioner entered Zone B. The Board determined that Petitioner should have signed a NAVPERS 1070/613 vice extension of enlistment. On 21 May 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 19-month agreement to extend enlistment (NAVPERS 1070/621) operative on 21 October 2022 is null and void.

Petitioner executed an Administrative Remarks (NAVPERS 1070/613) on 1 March 2020 agreeing to extend enlistment for 19 months for OBLISERV to May 2024.

Petitioner was discharged on 20 May 2020 and reenlisted on 21 May 2020 for a term of 4 years.

Note: This change will entitle Petitioner to a Zone "B" SRB with an award level of "9.5" (\$100,000 award ceiling) for the ETN(SS)/N13S rate/NEC. Remaining obligated service to 20 October 2022 will be deducted from SRB computation. Additionally, Navy Personnel Command is authorized to align transfer education benefits with the 21 May 2020 reenlistment. Furthermore, that any other entries affected by the Board's recommendation be corrected.

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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.

11/24/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]