



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

██████████
Docket No. 8407-23
Ref: Signature Date

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

Subj: REVIEW OF NAVY ██████████
██████████ 5386

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 that Petitioner reenlisted on 14 November 2020 for 4 years and was eligible for and received a Zone B 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 13 November 2014, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 12 November 2018 and Soft EAOS (SEAOS) of 12 November 2020; "Training six-year obligor program for NF-6YO rating per current directives. I understand that this agreement becomes binding upon execution, and may not be cancelled, except as set forth in MILPERSMAN 1160-040."

b. On 28 July 2016, Petitioner was issued official change duty orders (BUPERS order: ██████████) while stationed in ██████████, ██████████, ██████████ with an effective date of departure of

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September 2016. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 17 October 2016 with a projected rotation date (PRD) of October 2020.

c. On 16 September 2016, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 17 October 2016 for duty.

d. On 15 March 2017, Petitioner got married.

e. On 18 December 2017, Petitioner reenlisted for 6 years with an EAOS of 17 December 2023 and received a Zone A SRB.

f. In December 2019, Petitioner was awarded Navy Enlisted Classification (NEC) N23S.

g. 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.

h. In accordance with reference (c), FY20 SRB AWARD PLAN (N13SRB 003/FY20), a Zone "B" SRB with an award level of 7.0 (\$100,000 award ceiling) for the ETN(SW)/N23O/S rate/NEC was listed.

i. On 22 July 2020, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) with required obligated service to March 2024, while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of October 2020. Petitioner's intermediate (01) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 16 November 2020. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 6 March 2021 with a PRD of March 2024. Obligated service to March 2024 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.

j. On 1 August 2020, Standard Integrated Personnel System (NSIPS)/Electronic Service Record (ESR) shows a 3-month agreement to extend enlistment with a SEAOS of 17 March 2024.

k. On 1 October 2020, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 17 November 2020 for temporary duty.

l. In accordance with reference (d), FY21 SRB AWARD PLAN (N13SRB 001/FY21), a Zone "B" SRB with an award level of 8.0 (\$100,000 award ceiling) for the ETN(SW)/N23O/S rate/NEC was listed.

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m. On 13 November 2020, Petitioner entered Zone B.

n. In March 2021, Petitioner was awarded NEC 805A.

o. On 6 March 2021, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 6 March 2021 for duty.

p. On 15 November 2021, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]), while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of November 2021. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 30 November 2021 with a PRD of March 2024.

q. On 22 November 2021, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 22 November 2021 for duty.

r. In April 2023, Petitioner was awarded NEC N89X.

s. On 26 April 2023, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]), while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of May 2023. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty (limited duty) with an effective date of arrival of 11 May 2023 with a PRD of December 2023.

t. In July 2023, Petitioner was awarded NEC N23S.

u. 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 partial corrective action. The Board concluded that on 22 July 2020, Petitioner was issued BUPERS order: [REDACTED] with required obligated service to March 2024. At that time, a Zone B SRB was authorized in accordance with reference (c), however Petitioner was still in Zone A. On 1 August 2020, NSIPS/ESR shows a 3-month agreement to extend enlistment to meet the OBLISERV. Petitioner entered Zone B on 13 November 2020. The Board determined that Petitioner should have signed a NAVPERS 1070/613 agreeing to extend enlistment for 3 months to meet the OBLISERV vice extension of enlistment. Furthermore, the Board determined that Petitioner would need to reenlist on 17 November 2020 vice the requested date of 14 November 2020 because Petitioner had transferred from [REDACTED] on 1 October 2020, and arrived to [REDACTED] on 17 November 2020 for temporary duty. On 17 November 2020, Petitioner would have been eligible to reenlist for 4 years and receive a Zone B SRB. Finally, he would have been eligible to transfer his education benefits to his dependents, if he so chooses.

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RECOMMENDATION

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

Petitioner's 3-month agreement to extend enlistment (NAVPERS 1070/621) operative on 18 December 2023 is null and void.

Petitioner executed an Administrative Remarks (NAVPERS 1070/613) on 1 August 2020 agreeing to extend enlistment for 3 months for OBLISERV to March 2024.

Petitioner was discharged 16 November 2020 and reenlisted on 17 November 2020 for a term of 4 years.

Note: This change will entitle Petitioner to a Zone "B" SRB with an award level of "8.0" (\$100,000 award ceiling) for the ETN(SW)/N23S rating/NEC. Remaining obligated service to 17 December 2023 will be deducted from SRB computation. Additionally, Navy Personnel Command is authorized to align the TEB with the 17 November 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] [REDACTED], concerning SRB payment.

That part of the Petitioner's request for corrective action that exceeds the foregoing be denied.

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.

10/30/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]