



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

██████████
Docket No. 8408-23
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) NAVADMIN 108/20, 15 Apr 20
(c) FY20 SRB AWARD PLAN (N13SRB 004/FY20), 20 Aug 20
(d) FY21 SRB AWARD PLAN (N13SRB 003/FY21), 19 Feb 21

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 3 April 2021 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 2 April 2015, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 1 April 2019 and Soft EAOS (SEAOS) of 1 April 2021; "Training in the Nuclear Field. MILPERSMAN 1510-030 and MILPERSMAN 1306-500, 1306-02, and 1306-504 (NF) are governing directives. Advancement to Rate and Grade per MILPERSMAN 1430-010.1 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 months of this agreement may not be cancelled whether or not I complete Nuclear Power or Advanced Training."

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b. On 8 November 2016, Petitioner was issued official change duty orders (BUPERS order: 3136) while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of July 2016. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 26 January 2017 with a projected rotation date (PRD) of January 2021.

c. On 22 December 2016, Petitioner was issued official modification to change duty orders (BUPERS order: 3136) while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of January 2017. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 28 February 2017 with a PRD of February 2021.

d. In January 2017, Petitioner was awarded Navy Enlisted Classification (NEC) N250.

e. On 24 January 2017, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 5 March 2017 for duty.

f. On 27 June 2017, Petitioner reenlisted for 6 years with an EAOS of 26 June 2023 and received a Zone A SRB.

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 004/FY20) a Zone "B" SRB with an award level of 5.5 (\$100,000 award ceiling) for the MMN(SW)/N250/S rate/NEC was listed.

i. On 7 October 2020, Petitioner was issued official change duty orders (BUPERS order: 2810) with required obligated service to January 2024, while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of December 2020. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 15 January 2021 with a PRD of January 2024. Obligated service to January 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 13 October 2020, Petitioner signed an agreement to extend enlistment for 7 months with a SEAOS of 26 January 2024 in order to extend to incur sufficient obligated service to execute BUPERS order 2810.

k. On 11 December 2020, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 20 January 2021 for duty.

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l. In accordance with reference (d), FY21 SRB Award Plan (N13SRB 003/FY21) a Zone “B” SRB with an award level of 7.5 (\$100,000 award ceiling) for the MMN(SW)/N25O/S rate/NEC was listed.

m. On 2 April 2021, Petitioner entered Zone B.

n. 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 7 October 2020, Petitioner was issued BUPERS order: 2810 with required obligated service to January 2024. At that time, a Zone B SRB was authorized in accordance with reference (c), however Petitioner was still in Zone A. On 13 October 2020, Petitioner signed an agreement to extend enlistment for 7 months with a SEAOS of 26 January 2024 to meet the OBLISERV. The Board determined that Petitioner should have signed an Administrative Remarks (NAVPERS 1070/613) agreeing to extend enlistment for 7 months to meet the OBLISERV vice extension of enlistment. On 3 April 2021, Petitioner would have been eligible to reenlist for 4 years and receive a Zone B SRB.

RECOMMENDATION

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

Petitioner’s 7-month agreement to extend enlistment (NAVPERS 1070/621) executed on 13 October 2020 is null and void.

Petitioner executed an Administrative Remarks (NAVPERS 1070/613) on 13 October 2020 agreeing to extend enlistment for 7 months for OBLISERV to January 2024.

Petitioner was discharged 2 April 2021 and reenlisted on 3 April 2021 for a term of 4 years.

Note: This change will entitle Petitioner to a Zone “B” SRB with an award level of “7.5” (\$100,000 award ceiling) for the MMN(SW)/N25O rating/NEC. Remaining obligated service to 26 June 2023 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, N133D, [REDACTED], [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.

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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

