



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

██████████
Docket No. 8412-23
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) FY21 SRB Award Plan (N13SRB 002/FY21), 28 Dec 20
(d) FY21 SRB Award Plan (N13SRB 005/FY21), 9 Aug 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 18 December 2021 for 4 years and was eligible for and received a Zone B Selective Reenlistment Bonus (SRB), and that his eligibility to transfer his education benefits to his dependents was restored.

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 15 December 2015, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 14 December 2019 and Soft EAOS (SEAOS) of 14 December 2021; "Training in the Nuclear Field. MILPERSMAN 1510 030 and MILPERSMAN 1306-500, 1306-502, and T306-504 (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 canceled, except as set forth in MILPERSMAN 1160-040 and 1510-030. In particular, I understand that when I accept advancement to E4,12 months

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

b. On 20 November 2017, Petitioner was issued official change duty orders (BUPERS order: 3247) while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of December 2017. Petitioner’s ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 8 January 2018 with a projected rotation date (PRD) of January 2022.

c. On 8 December 2017, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 8 January 2018 for duty.

d. On 18 December 2018, Petitioner reenlisted for 5 years with an EAOS of 17 December 2023 and received a Zone A SRB.

e. In December 2019, Petitioner was awarded Navy Enlisted Classification (NEC) N13S.

f. In accordance with reference (b), this NAVADMIN announced revised SRB policy for Active Duty 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 August 2020, Petitioner was awarded NEC N73Z.

h. In accordance with reference (c), FY21 SRB Award Plan (N13SRB 002/FY21) 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.

i. On 17 February 2021, Petitioner was issued official change duty orders (BUPERS order: 0481) with required obligated service to November 2024, while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of July 2021. Petitioner’s intermediate (01) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 23 August 2021. Petitioner’s ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 13 November 2021 with a PRD of November 2024. Obligated service to November 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 30 July 2021, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 24 August 2021 for duty under instruction.

k. In accordance with reference (d), FY21 SRB Award Plan (N13SRB 005/FY21) 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.

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- l. On 24 August 2021, Petitioner signed a Record of Emergency Data listing no dependents.
- m. On 12 November 2021, Petitioner's Master Military Pay Account shows that Petitioner's Submarine Pay stopped.
- n. On 12 November 2021, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 13 November 2021 for duty.
- o. On 15 December 2021, Petitioner entered Zone B.
- p. In April 2023, Petitioner was awarded NEC N59X.
- q. On 7 September 2023, Navy Standard Integrated Personnel System (NSIPS)/Electronic Service Record shows a 11-month agreement to extend enlistment with an SEAOS of 17 November 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 17 February 2021, Petitioner was issued BUPERS order: 0481 with required obligated service to November 2024. At that time, a Zone B SRB for ETN(SW)/N13S rate/NEC was authorized in accordance with reference (c), however Petitioner was still in Zone A. On 15 December 2021, Petitioner entered Zone B. On 7 September 2023, NSIPS/ Electronic Service Record shows a 11-month agreement to extend enlistment with an SEAOS of 17 November 2024 to meet the OBLISERV. The Board determined that Petitioner should have signed a NAVPERS 1070/613 agreeing to extend for 11 months to meet the OBLISERV then reenlist after entering Zone B. 18 December 2021, Petitioner would have been eligible to reenlist for 4 years and receive a Zone B SRB. Furthermore, with regards to Petitioner's request to transfer his education benefits to his dependents in connection with this reenlistment, the Board found no evidence of dependents in his record. Therefore, the Board determined that Petitioner requested to transfer his education benefits in error.

RECOMMENDATION

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

Petitioner's 11-month agreement to extend enlistment (NAVPERS 1070/621) operative on 18 December 2023 is null and void.

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Petitioner executed an Administrative Remarks (NAVPERS 1070/613) on 17 February 2021 agreeing to extend enlistment for 11 months for OBLISERV to November 2024.

Petitioner was discharged 17 December 2021 and reenlisted on 18 December 2021 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 rating/NEC. Remaining obligated service to 17 December 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.

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.

10/31/2023

