



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

██████████
Docket No. 8415-23
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 15 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 18 November 2014, Petitioner entered active duty for 4 years with an EAOS of 17 November 2018 and SEAOS of 17 November 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 cancelled whether or not I complete Nuclear Power or Advanced Training."

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- b. On 4 November 2016, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 30 November 2016 for duty.
- c. On 30 March 2017, Petitioner reenlisted for 6 years with an EAOS 29 March 2023 and received a Zone A SRB.
- d. In February 2019, Petitioner was awarded NEC N73Z. In March 2020, Petitioner was awarded NEC N13S.
- e. 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.
- f. In accordance with reference (c), 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.
- g. On 18 June 2020, Petitioner was issued official change duty orders (BUPERS order: 1700) with required obligated service to April 2024, while stationed in [REDACTED] with an effective date of departure of November 2020. Petitioner’s intermediate (01) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 14 December 2020. Petitioner’s ultimate activity was [REDACTED] for duty with an effective date of arrival of 3 April 2021 with a projected rotation date of April 2024. Obligated service to April 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.
- h. On 2 October 2020, Petitioner got married.
- i. In accordance with reference (d), FY21 SRB Award Plan (N13SRB 001/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.
- j. On 30 October 2020, Petitioner signed an agreement to extend enlistment for 13 months with a SEAOS of 29 April 2024 in order to incur sufficient obligated service to execute BUPERS order 1700.
- k. On 16 November 2020, Petitioner’s Master Military Pay Account shows that Petitioner’s Submarine Pay stopped.
- l. On 16 November 2020, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 15 December 2020 for temporary duty.

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m. On 18 November 2020, Petitioner entered Zone B.

n. On 3 April 2021, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 3 April 2021 for duty.

o. In April 2022, Petitioner was awarded NEC 805A.

p. On 14 November 2023, Petitioner's Benefits for Education Administrative Service Tool listed no dependents.

q. 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 18 June 2020, Petitioner was issued BUPERS order: 1700 with required obligated service to April 2024. At that time, a Zone B SRB was authorized in accordance with reference (c), however Petitioner was still in Zone A. On 30 October 2020, Petitioner signed an agreement to extend enlistment to meet the OBLISERV. On 18 November 2020, Petitioner entered Zone B. The Board determined that Petitioner should have signed a NAVPERS 1070/613 vice extension of enlistment. On 15 December 2020, Petitioner would have been eligible to reenlist for 4 years and receive a Zone B SRB. Furthermore, Petitioner would have been eligible to transfer education benefits to his dependents.

RECOMMENDATION

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

Petitioner's 13-month agreement to extend enlistment (NAVPERS 1070/621) executed on 30 October 2020 is null and void.

Petitioner executed an Administrative Remarks (NAVPERS 1070/613) on 30 October 2020 agreeing to extend enlistment for 13 months for OBLISERV to April 2024.

Petitioner was discharged 14 December 2020 and reenlisted on 15 December 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 29 March 2023 will be deducted from SRB computation. Additionally, Navy Personnel Command is authorized to align transfer education benefits with the 15 December 2020 reenlistment. Furthermore, that any other entries affected by the Board's recommendation be

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[REDACTED]

corrected. Contact Assistant Nuclear Enlisted Program Manager [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.

11/24/2023

[REDACTED]