



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

██████████
Docket No. 8421-23
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) NAVADMIN 108/20, 15 Apr 20
(c) FY21 SRB Award Plan (N13SRB 001/FY21), 28 Oct 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 1 June 2021 for 4 years and was eligible for and received a Zone B Selective Reenlistment Bonus (SRB) and that Petitioner's eligibility to transfer his educational benefits to his dependents was restored.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 2 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 22 January 2015, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 21 January 2019 and Soft EAOS (SEAOS) of 21 January 2021; "Training in the Nuclear Field. MILPERSMAN 1510-030 and MILPERSMAN 1306-500, 1306-502, and 1306-504 (NE) 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 26 January 2017, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 2 March 2017 for duty.

c. On 1 February 2018, Petitioner reenlisted for 6 years with an EAOS of 31 January 2024 and received a Zone A SRB.

d. In August 2019, Petitioner was awarded Navy Enlisted Classification (NEC) N24S.

e. 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.

f. In accordance with reference (c), FY21 SRB Award Plan (N13SRB 001/FY21) a Zone “B” SRB with an award level of 7.5 (\$100,000 award ceiling) for the EMN(SW)/N24O/S rate/NEC was listed.

g. On 6 November 2020, Petitioner was issued official change duty orders (BUPERS order: 3110) with required obligated service to May 2024, while stationed in [REDACTED] with an effective date of departure of February 2021. Petitioner’s intermediate activity was [REDACTED] for duty with an effective date of arrival of 8 March 2021. Petitioner’s ultimate activity was [REDACTED] for duty with an effective date of arrival of 29 May 2021 with a projected rotation date of May 2024. Obligated service to May 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. In November 2020, Navy Standard Integrated Personnel System (NSIPS)/Electronic Service Record (ESR) shows a 4-month agreement to extend enlistment with a SEAOS of 31 May 2024.

i. On 22 January 2021, Petitioner entered Zone B.

j. On 7 February 2021, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 8 March 2021 for temporary duty.

k. 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 EMN(SW)/N24O/S rate/NEC was listed.

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l. On 28 May 2021, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 29 May 2021 for duty.

m. On [REDACTED], Petitioner married an active duty spouse.

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 partial corrective action. The Board concluded that on 6 November 2020, Petitioner was issued BUPERS order: 3110 with required obligated service to May 2024. At that time, a Zone B SRB was authorized in accordance with reference (c), however Petitioner was still in Zone A. In November 2020, NSIPS/ESR shows a 4-month agreement to extend enlistment to meet the OBLISERV. The Board determined that Petitioner should have signed a NAVPERS 1070/613 vice extension of enlistment. On 1 June 2021, Petitioner would have been eligible to reenlist for 4 years and receive a Zone B SRB. However, the Board found no evidence of dependents in his record at the time of his requested reenlistment date of 1 June 2021, therefore he is ineligible to transfer his educational benefits to his dependents in conjunction with this reenlistment.

RECOMMENDATION

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

Petitioner's 4-month agreement to extend enlistment (NAVPERS 1070/621) operative on 1 February 2024 is null and void.

Petitioner executed an Administrative Remarks (NAVPERS 1070/613) on 6 November 2020 agreeing to extend enlistment for 4 months for OBLISERV to May 2024.

Petitioner was discharged 31 May 2021 and reenlisted on 1 June 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 EMN(SW)/N24S rate/NEC. Remaining obligated service to 31 January 2024 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] 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.

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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.

11/13/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]