



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

██████████
Docket No. 8438-23
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) OPNAVINST 7220.15, 28 Dec 05
(c) NAVADMIN 108/20, 15 Apr 20
(d) FY21 SRB Award Plan (N13SRB 003/FY21), 19 Feb 21
(e) 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 Petitioner reenlisted on 24 September 2021 for 5 years and was eligible for and received a Selective Reenlistment Bonus (SRB).

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. In accordance with reference (b), active duty enlisted personnel are eligible for CONSUBPAY if they satisfy all of the following conditions: While not serving on a submarine, have obligated service for 14 months beyond their projected rotation date (PRD) in order to be reassigned to submarine sea duty upon completion of the non-submarine or shore duty assignment. The requirement to maintain 14 months beyond PRD must be maintained at all times after any CONSUBPAY is received while not serving on a submarine.

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b. On 21 September 2015, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 20 September 2019 and Soft EAOS (SEAOs) of 20 September 2021; "Training in the Nuclear Field Program and advancement to E4 per MILPERSMAN Articles 1160-040 and 1510-030.1 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, 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."

c. On 11 August 2017, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 11 August 2017 for duty.

d. On 10 December 2017, Petitioner reenlisted for 6 years with an EAOS of 9 December 2023 and received a Zone A SRB.

e. In September 2018, Petitioner was awarded Navy Enlisted Classification (NEC) 840A.

f. In accordance with reference (c), 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 May 2020, Petitioner was awarded NEC N13S. In December 2020, Petitioner was awarded NEC N73Z.

h. In accordance with reference (d), FY21 SRB Award Plan (N13SRB 003/FY21) a Zone "B" SRB with an award level of 9.5 (\$100,000 award ceiling) for the ETN(SS)/N130/S rate/NEC was listed.

i. On 8 March 2021, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) with required obligated service to September 2024, while stationed in [REDACTED] with an effective date of departure of August 2021. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 15 September 2021 with a PRD of September 2024. Obligated service to September 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. In May 2021, Petitioner was awarded NEC N33Z.

k. In accordance with reference (e), 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)/N130/S rate/NEC was listed.

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l. On 18 August 2021, Petitioner signed an agreement to extend enlistment for 12 months with a SEAOS of 9 December 2024, in order to incur sufficient obligated service to execute BUPERS order [REDACTED]

m. On 30 August 2021, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 15 September 2021 for duty.

n. On 21 September 2021, Petitioner entered Zone B.

o. On 22 September 2021, Petitioner's Master Military Pay Account shows that Petitioner's Submarine Pay stopped.

p. On 24 November 2021, Petitioner got married.

q. On 16 May 2022, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) while stationed in [REDACTED] with an effective date of departure of September 2022. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 17 October 2022 with a PRD of September 2024.

r. On 19 September 2022, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 12 October 2022 for duty.

s. On 27 October 2023, Petitioner's Benefits for Education Administrative Service Tool listed no dependents.

t. 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 8 March 2021, Petitioner was issued BUPERS order: [REDACTED] with required obligated service to September 2024. At that time, a Zone B SRB was authorized in accordance with reference (d), however Petitioner was still in Zone A. On 18 August 2021, Petitioner signed an agreement to extend enlistment for 12 months to meet the OBLISERV. On 21 September 2021, Petitioner entered Zone B. The Board determined that Petitioner should have signed a NAVPERS 1070/613 agreeing to extend enlistment vice extension of enlistment. On 24 September 2021, Petitioner would have been eligible to reenlist for 5 years and receive a Zone B SRB. Furthermore, Petitioner would have been eligible to transfer his education benefits to his dependents, if he so chooses. Finally, in accordance with reference (b), Petitioner would have been eligible for CONSUBPAY in conjunction with this reenlistment due to obligating for more than 14 months past the PRD of September 2024.

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RECOMMENDATION

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

Petitioner's 12-month agreement to extend enlistment (NAVPERS 1070/621) executed on 18 August 2021 is null and void.

Petitioner executed an Administrative Remarks (NAVPERS 1070/613) on 18 August 2021 agreeing to extend enlistment for 9 months for OBLISERV to September 2024.

Petitioner was discharged on 23 September 2021 and reenlisted on 24 September 2021 for a term of 5 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 9 December 2023 will be deducted from SRB computation. Additionally, Navy Personnel Command is authorized to align the Transfer of Education Benefits, upon Petitioner's request, and CONSUBPAY with the 24 September 2021 reenlistment. Furthermore, that any other entries affected by the Board's recommendation be corrected. Contact [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.

11/13/2023

[REDACTED]