



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

█
Docket No. 8462-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █
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Ref: (a) Title 10 U.S.C. § 1552
(b) NAVADMIN 108/20 of 15 Apr 20
(c) FY21 SRB Award Plan (N13SRB 002/FY21), 28 Dec 20
(d) FY23 SRB Award Plan (N13 SRB 002/FY23), 18 Apr 23

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 1 August 2023 for 4 years and was eligible for and received a Selective Reenlistment Bonus (SRB).

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 19 May 2015, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 18 May 2019 and Soft EAOS (SEAOS) of 18 May 2021; "Training in the Nuclear Field Program and advancement to paygrade 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, 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."

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
[REDACTED]

b. On 13 February 2017, Petitioner got married.

c. On 22 May 2017, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 21 June 2017 for duty.

d. On 2 March 2018, Petitioner reenlisted for 6 years with an EAOS of 1 March 2024 and received a Zone A SRB.

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 September 2020, Petitioner was awarded Navy Enlisted Classification (NEC) N14S.

g. In accordance with reference (c), FY21 SRB Award Plan (N13SRB 002/FY21), a Zone "B" SRB with an award level of 7.0 (\$100,000 award ceiling) for the EMN(SS)/N14O/S rate/NEC was listed.

h. On 30 December 2020, Petitioner was issued official change duty orders (BUPERS order: 3650) with required obligated service to October 2024, while stationed in [REDACTED] with an effective date of departure of April 2021. Petitioner's intermediate (01) activity was [REDACTED] for temporary duty with an effective date of arrival of 21 September 2020. Petitioner's intermediate (02) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 6 May 2021. Petitioner's ultimate activity was [REDACTED] Guam for duty with an effective date of arrival of 7 October 2021 with a projected rotation date (PRD) of October 2024. Obligated service to October 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.

i. On 23 March 2021, Petitioner signed an agreement to extend enlistment for 26 months with a SEAOS of 1 May 2026 in order to incur obligated service to execute BUPERS order date 18 March 2021.

j. On 16 April 2021, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 6 May 2021 for temporary duty.

k. On 19 May 2021, Petitioner entered Zone B.

l. On 3 September 2021, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 18 October 2021 for duty.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
[REDACTED]

m. On 6 October 2021, Petitioner was issued official modification to change duty orders (BUPERS order: 3650) while stationed in [REDACTED] with an effective date of departure of April 2021. Petitioner's intermediate (01) activity was [REDACTED] for temporary duty with an effective date of arrival of 20 April 2021. Petitioner's intermediate (02) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 6 May 2021. Petitioner's intermediate (03) activity was [REDACTED] for temporary duty with an effective date of arrival of 16 October 2021. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 18 November 2021 with a PRD of October 2024.

n. In December 2021, Petitioner was awarded NEC N76Z.

o. On 15 March 2023, Petitioner was issued official change duty orders (BUPERS order: 0743) while stationed in [REDACTED] am with an effective date of departure of October 2023. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 19 November 2023 with a PRD of November 2025.

p. In accordance with reference (c), FY23 SRB Award Plan (N13 SRB 002/FY23), a Zone "B" SRB with an award level of 8.5 (\$100,000 award ceiling) for the EMN(SS)/N14O/S rate/NEC was listed.

q. On 15 November 2023, Petitioner's Benefits for Education Administrative Service Tool listed no dependents.

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 30 December 2020, Petitioner was issued BUPERS order: 3650 with required obligated service to October 2024. At that time, a Zone B SRB was authorized in accordance with reference (c), however Petitioner was still in Zone A. On 23 March 2021, Petitioner signed an agreement to extend enlistment to meet the OBLISERV. On 19 May 2021, Petitioner entered Zone B. The Board determined that Petitioner should have signed a NAVPERS 1070/613 vice extension of enlistment. On 1 August 2023, 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, if he so chooses.

RECOMMENDATION

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

Subj: REVIEW OF NAVAL RECORD IC [REDACTED] USN,
XXX-XX-[REDACTED]

Petitioner's 26-month agreement to extend enlistment (NAVPERS 1070/621) executed on 23 March 2021 is null and void.

Petitioner executed an Administrative Remarks (NAVPERS 1070/613) on 23 March 2021 agreeing to extend enlistment for 26 months for OBLISERV to October 2024.

Petitioner was discharged 31 July 2023 and reenlisted on 1 August 2023 for a term of 4 years.

Note: This change will entitle Petitioner to a Zone "B" SRB with an award level of "8.5" (\$100,000 award ceiling) for the EMN(SS)/N14S rate/NEC. Remaining obligated service to 1 March 2024 will be deducted from SRB computation. Additionally, Navy Personnel Command is authorized to align transfer education benefits with the 1 August 2023 reenlistment, upon Petitioner's request. 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.

11/24/2023

[REDACTED]