



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

[REDACTED]
Docket No. 8494-23
Ref: Signature Date

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

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

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) FY22 SRB Award Plan (N13SRB 001/FY22), 14 Feb 22

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 22 February 2022 for 3 years and was eligible for and received a Zone B Selective Reenlistment Bonus (SRB).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 4 January 2024 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 6 January 2015, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 5 January 2019 and Soft EAOS (SEAOS) of 5 January 2021; "Training in the Nuclear Field. MILPERSMAN 1510-030 and MILPERSMAN 1306-500, 1306-502, and 1306-504 (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 of this agreement may not be canceled whether or not I complete Nuclear Power or Advanced Training."

b. On 26 May 2017, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 23 June 2017 for duty.

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c. On 22 September 2017, Petitioner reenlisted for 6 years with an EAOS of 21 September 2023 and received a Zone A SRB.

d. In November 2019, Petitioner was awarded Navy Enlisted Classification (NEC) N25S.

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), FY21 SRB Award Plan (N13SRB 002/FY21), a Zone "B" SRB with an award level of 7.5 (\$100,000 award ceiling) for the MMN(SW)/N25O/S rate/NEC was listed.

g. In November 2020, Petitioner was awarded NEC N33Z.

h. On 6 January 2021, Petitioner entered Zone B.

i. On 17 February 2021, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) with required obligated service to November 2024, while stationed in [REDACTED], [REDACTED] with an effective date of departure of March 2022. Petitioner's intermediate (01) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 26 July 2021. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 13 November 2021 with a Projected Rotation Date 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 23 February 2021, Petitioner signed an agreement to extend enlistment for 14 months with a SEAOS of 21 November 2024 in order to incur sufficient obligated service to execute BUPERS order [REDACTED].

k. On 14 June 2021, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 26 July 2021 for duty.

l. On 12 November 2021, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 13 November 2021 for duty.

m. In accordance with reference (d), FY22 SRB Award Plan (N13SRB 001/FY22), a Zone "B" SRB with an award level of 8.5 (\$100,000 award ceiling) for the MMN(SW)/N25O/S rate/NEC was listed.

n. In May 2023, Petitioner was awarded NEC 8MTS.

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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 6 January 2021, Petitioner entered Zone B. On 17 February 2021, Petitioner was issued BUPERS order: [REDACTED] with required obligated service to November 2024. At that time, a Zone B SRB was authorized in accordance with reference (c). On 23 February 2021, Petitioner signed an agreement to extend enlistment for 14 months to meet the OBLISERV. The Board determined that Petitioner should have signed a NAVPERS 1070/613 vice extension of enlistment. On 22 February 2022, Petitioner would have been eligible to reenlist for 3 years and receive a Zone B SRB.

RECOMMENDATION

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

Petitioner's 14-month agreement to extend enlistment (NAVPERS 1070/621) execute on 23 February 2021 is null and void.

Petitioner executed an Administrative Remarks (NAVPERS 1070/613) on 23 February 2021 agreeing to extend enlistment for 14 months for OBLISERV to November 2024.

Petitioner was discharged 21 February 2022 and reenlisted on 22 February 2022 for a term of 3 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 MMN(SW)/N25S rating/NEC. Remaining obligated service to 21 September 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] concerning SRB payment.

That 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.

1/6/2024

