



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

██████████
Docket No. 8506-23
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) FY20 SRB Award Plan (N13SRB 004/FY20), 20 Aug 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 25 November 2020 for 4 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 7 December 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 End of Active Obligated Service (EAOS) of 17 November 2018 and Soft EAOS (SEAOs) of 17 November 2020; "Training in the Nuclear Field Program and advancement to E4 per MILPERSMAN Articles 1160-040 and 15010-030. 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."

b. On 30 November 2016, Petitioner transferred from ██████████, and arrived to ██████████ on 22 December 2016 for duty.

c. In February 2020, Petitioner was awarded Navy Enlisted Classification (NEC) N15S.

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d. 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.

e. On 11 June 2020, Petitioner got married and gained a stepchild with a date of birth of 17 October 2011).

f. In accordance with reference (c), FY20 SRB Award Plan (N13SRB 004/FY20), a Zone "B" SRB with an award level of 8.5 (\$100,000 award ceiling) for the MMN(SS)/N15O/S rate/NEC was listed.

g. On 25 September 2020, Petitioner reenlisted for 3 years with an EAOS of 24 September 2023 and received a Zone A SRB.

h. On 7 October 2020, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) with required obligated service to August 2024, while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of January 2021. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 9 February 2021 with a projected rotation date (PRD) of August 2024. Obligated service to August 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. In accordance with reference (d), FY21 SRB Award Plan (N13SRB 001/FY21), a Zone "B" SRB with an award level of 8.5 (\$100,000 award ceiling) for the MMN(SS)/N15O/S rate/NEC was listed.

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

k. On 10 December 2020, Petitioner was issued official modification to change duty orders (BUPERS order: [REDACTED]) with required obligated service to September 2024, while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of February 2021. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 17 March 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.

l. On 30 April 2021, Petitioner was issued official modification to change duty orders (BUPERS order: [REDACTED]) with required obligated service to November 2024, while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of May 2021. Petitioner's intermediate (01) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty with an effective date of arrival of 19 May 2021. Petitioner's intermediate (02) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective

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date of arrival of 5 June 2021. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 8 November 2021 with a PRD 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.

m. On 13 May 2021, Petitioner signed an agreement to extend enlistment for 14 months with a SEAOS of 24 November 2024 in in order to incur sufficient service to execute BUPERS order [REDACTED].

n. On 25 May 2021, Petitioner was issued official modification to change duty orders (BUPERS order: [REDACTED]) with required obligated service to November 2024, while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of October 2021. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 22 November 2021 with a PRD 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.

o. On 12 August 2021, Petitioner was issued official modification to change duty orders (BUPERS order: [REDACTED]) with required obligated service to November 2024, while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of October 2021. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 20 October 2021 with a PRD 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.

p. On 7 October 2021, Petitioner's Master Military Pay Account shows that Petitioner's Submarine Pay stopped.

q. On 7 October 2021, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 7 October 2021 for duty.

r. In December 2021, Petitioner was awarded NEC N76Z. In April 2022, Petitioner was awarded NEC N79Z. In September 2023, Petitioner was awarded NEC 830A.

s. On 28 November 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.

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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 7 October 2020, Petitioner was issued BUPERS order: [REDACTED] with required obligated service to August 2024. At that time, a Zone B SRB was authorized in accordance with reference (c), however Petitioner was still in Zone A. On 18 November 2020, Petitioner entered Zone B. On 13 May 2021, Petitioner signed an agreement to extend enlistment for 14 months to meet the OBLISERV. The Board determined that in accordance with reference (b), Petitioner could have reenlisted once he entered Zone B. On 25 November 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 his education benefits to his dependents, if he so chooses.

RECOMMENDATION

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

Petitioner's 14-month agreement to extend enlistment (NAVPERS 1070/621) executed on 13 May 2021 is null and void.

Petitioner was discharged on 24 November 2020 and reenlisted on 25 November 2020 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 MMN(SS)/N15S rating/NEC. Remaining obligated service to 24 September 2023 will be deducted from SRB computation. Additionally, Navy Personnel Command is authorized to align transfer of education benefits with the 25 November 2020 reenlistment, at 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.

12/13/2023

