



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

██████████
Docket No. 8532-23
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 129/19, 11 Jun 19
(c) NAVADMIN 108/20, 15 Apr 20
(d) FY20 SRB Award Plan (N13SRB 003/FY20), 30 Apr 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 10 May 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 9 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 7 May 2014, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 6 May 2018 and Soft EAOS (SEEOS) of 6 May 2020; "Training in the nuclear field program and advancement to E-4, per BUPERSINST 1036.78 and MILPERSMAN 1160-040, 1160-080, and 1510-030. I understand that this extension becomes binding upon execution and may not be cancelled, except as set forth in MILPERSMAN 1160-040. In particular, I understand that when I accept advancement to E-4, 12 months of this agreement may not be cancelled, whether or not I complete nuclear power or advanced training."

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- b. On 9 July 2016, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 9 July 2016 for duty.
- c. On 3 February 2017, Petitioner reenlisted for 6 years with an EAOS of 2 February 2023 and received a Zone A SRB.
- d. In February 2018, Petitioner was awarded Navy Enlisted Classification (NEC) N73Z. In September 2018, Petitioner was awarded NEC N13S.
- e. In accordance with reference (b), this NAVADMIN announced revised SRB award levels and reenlistment policy for Active Component (AC) and Full-Time Support (FTS), superseding NAVADMIN 305/18. Increased award levels were effective immediately and decreased levels were effective 30 days after the release of this NAVADMIN. Sailors must have reenlist within 180 days of their EAOS, except in the following cases: a. Nuclear-trained Sailors. Commands were required to submit SRB reenlistment requests to BUPERS-328 via Officer Personnel Information System or Navy Standard Integrated Personnel System 35 to 120 days in advance of the requested reenlistment date of the Sailor. Requests submitted less than 35 days prior to the requested reenlistment date would be rejected. However, commands could have contacted BUPERS-328 for waiver eligibility and procedures. Sailors must have had an approved SRB request before reenlisting. Furthermore, a Zone "B" SRB with an award level of 9.5 (\$100,000 award ceiling) for the ETN(SS)/N13S rate/NEC was authorized.
- f. On 21 October 2019, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) with required obligated service to December 2023, while stationed in [REDACTED] with an effective date of departure of July 2020. Petitioner's intermediate (01) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 24 August 2020. Petitioner's ultimate activity was [REDACTED] duty with an effective date of arrival of 12 December 2020 with a projected rotation date (PRD) of December 2023. Obligated service to December 2023 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.
- g. On 24 February 2020, Petitioner was issued official modification to change duty orders (BUPERS order: [REDACTED]) with required obligated service to December 2023, while stationed in [REDACTED] with an effective date of departure of July 2020. Petitioner's intermediate (01) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 24 August 2020. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 12 December 2020 with a PRD of December 2023. Obligated service to December 2023 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.

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h. On 1 March 2020, Navy Standard Integrated Personnel System (NSIPS)/Electronic Service Record (ESR) shows a 10-month agreement to extend enlistment with an SEAOS of 2 December 2023.

i. On 7 May 2020, Petitioner entered Zone B.

j. In accordance with reference (c), this NAVADMIN announced revised SRB policy for AC and FTS, 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.

k. In accordance with reference (d), FY20 SRB Award Plan (N13SRB 003/FY20) a Zone "B" SRB with an award level of 9.5 (\$100,000 award ceiling) for the ETN(SS)/N13O/S rate/NEC was listed.

l. On 4 August 2020, Petitioner's Master Military Pay Account shows that Petitioner's Submarine Pay stopped.

m. On 4 August 2020, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 24 August 2020 for temporary duty.

n. On 12 December 2020, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 12 December 2020 for duty.

o. In May 2021, Petitioner was awarded NEC 805A. In August 2022, Petitioner was awarded NEC N33Z.

p. On 6 November 2023, Petitioner was issued official separation orders (BUPERS order: [REDACTED]) while stationed in [REDACTED] with an effective date of departure of December 2023. Petitioner's place elected for travel: [REDACTED] with an effective date of separation of 2 December 2023.

q. 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 21 October 2019, Petitioner was issued BUPERS order: 2949 with required obligated service to December 2023. At that time, a Zone B SRB was authorized in accordance with reference (c), however Petitioner was still in Zone A. On 1 March 2020, NSIPS/ESR shows a 10-month agreement to extend enlistment to meet the OBLISERV. On 7 May 2020, Petitioner entered Zone B. The Board determined that Petitioner should have

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reenlisted vice extending his enlistment. On 10 May 2020, Petitioner would have been eligible to reenlist for 4 years and receive a Zone B SRB.

RECOMMENDATION

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

Petitioner's 10-month agreement to extend enlistment (NAVPERS 1070/621) operative on 3 February 2023 is null and void.

Petitioner was discharged on 9 May 2020 and reenlisted on 10 May 2020 for a term of 4 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 2 February 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.

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.

11/17/2023

