



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

██████████
Docket No. 8549-23
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 119/18, 14 May 18
(c) NAVADMIN 305/18, 17 Dec 18

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 6 January 2019 for 5 years and was eligible for and received a Zone B 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 26 June 2012, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 25 June 2016 and Soft EAOS (SEAOS) of 25 June 2018; "Training in the Nuclear Field Program and advancement to E4 per MILPERSMP.N Articles 1160-040 and 1510- 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."

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b. On 1 November 2014, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 3 November 2014 for duty.

c. On 6 April 2015, Petitioner reenlisted for 6 years with an EAOS of 5 April 2021 and received a Zone A SRB.

d. In accordance with reference (b), this NAVADMIN announced revised SRB award levels and reenlistment policy for Active Component (AC) and Full-Time Support (FTS), and superseded NAVADMIN 032/18. Increased award levels were effective immediately and decreased levels were effective 30 days after the release of this NAVADMIN. Sailors must have reenlisted within 180 days of their EAOS, except in the following cases: Nuclear-trained Sailors. Sailors eligible for combat zone tax exclusion (CZTE) were authorized to reenlist anytime within 1 calendar year of their EAOS. Sailors who received an Early Promote in block 45 of their most recent regular periodic evaluation would allowed to reenlist early any time within one calendar year of their EAOS. Sailors who must OBLISERV to execute a permanent change of station (PCS) move would allowed to reenlist early any time within one calendar year of the detachment month, but not later than the date of detachment from the last intermediate duty station. Commands were required to submit SRB reenlistment requests to BUPERS-328 via Officer Personnel Information System (OPINS) or Navy Standard Integrated Personnel System (NSIPS) 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. Furthermore, a Zone "B" SRB with an award level of 6.0 (\$100,000 award ceiling) for the MMN(SW)/3395(N25S) rate/NEC was authorized.

e. On 26 June 2018, Petitioner entered Zone B.

f. In July 2018, Petitioner was awarded Navy Enlisted Classification (NEC) N25S.

g. On 26 July 2018, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) with required obligated service to January 2022, while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of September 2018. Petitioner's intermediate (01) activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 1 October 2018. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 26 January 2019 with a projected rotation date (PRD) of January 2022. Obligated service to January 2022 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.

h. On 1 August 2018, NSIPS/Electronic Service Record (ESR) shows a 9-month agreement to extend enlistment with an SEAOS of 5 January 2022.

i. On 7 September 2018, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 1 October 2018 for temporary duty.

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j. In accordance with reference (c), this NAVADMIN corrected policy for CZTE and Early Promote (EP) Sailors and announced revised SRB award levels and reenlistment policy for AC and FTS and supersedes NAVADMIN 302/18. Sailors must have reenlisted within 180 days of their EAOS, except in the following cases: Nuclear-trained Sailors. Sailors who must have OBLISERVED to execute a permanent change of station move would be allowed to reenlist early any time within one calendar year of the detachment month, but not later than the date of detachment from the last intermediate duty station. CZTE and EP Sailors who submitted SRB requests on or before the release of NAVADMIN 302/18 would be grandfathered under paragraph 5 of NAVADMIN 119/18. Commands were required to submit SRB reenlistment requests to BUPERS-328 via OPINS or NSIPS 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 were rejected. Furthermore, a Zone "B" SRB with an award level of 5.5 (\$100,000 award ceiling) for the MMN(SW)/N25S rate/NEC was authorized.

k. On 26 January 2019, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 26 January 2019 for duty.

l. In May 2019, Petitioner was awarded NEC 805A.

m. On 13 December 2021, Petitioner signed an agreement to extend enlistment for 12 months with a SEAOS of 5 January 2023 in order to match EAOS with PRD. Total aggregate months: 21.

n. On 21 December 2021, Petitioner was issued official separation orders (BUPERS order: [REDACTED]) while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of January 2022. Petitioner's place elected for travel: [REDACTED], [REDACTED] with an effective date of separation of 5 January 2022.

o. On 14 January 2022, Petitioner was issued official cancellation to separation orders (BUPERS order: [REDACTED]).

p. On 27 March 2022, Petitioner got married. On [REDACTED], Petitioner's child was born.

q. On 4 August 2022, NSIPS/ESR shows a 12-month agreement to extend enlistment with an SEAOS of 5 January 2024.

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

s. 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 26 June 2018, Petitioner entered Zone B. On 14 May 2018 reference (b) was published authorizing a Zone B SRB. On 26 July 2018, Petitioner was issued BUPERS Order: [REDACTED] with required obligated service to January 2022. On 1 August 2018, NSIPS/ESR shows a 9-month agreement to extend enlistment to meet the OBLISERV. The Board determined that Petitioner should have signed NAVPERS 1070/613 agreeing to extend enlistment vice extension of enlistment. On 6 January 2019, Petitioner would have been eligible to reenlist for 5 years and receive a Zone B SRB.

RECOMMENDATION

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

Petitioner's operative agreements to extend enlistment (6 April 2015) are all null and void.

Petitioner executed an Administrative Remarks (NAVPERS 1070/613) on 1 August 2018 agreeing to extend enlistment for 9 months for OBLISERV to January 2022.

Petitioner was discharged 5 January 2019 and reenlisted on 6 January 2019 for a term of 5 years.

Note: This change will entitle Petitioner to a Zone "B" SRB with an award level of "5.5" (\$100,000 award ceiling) for the MMN(SW)/N25S rate/NEC. Remaining obligated service to 5 April 2021 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.

11/20/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]