



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

██████████
Docket No. 8580-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████, USN, ██████████

Ref: (a) Title 10 U.S.C. § 1552
(b) NAVADMIN 108/20, 15 Apr 20
(c) FY21 SRB Award Plan (N13SRB 003/FY21), 19 Feb 21

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 13 March 2021 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 9 March 2015, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 8 March 2019 and Soft EAOS (SEAOS) of 9 March 2021; "Training in the Nuclear Field Program and advancement to paygrade E4 per MILPERSMAN 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 E-4, 12 months of this agreement may not be cancelled whether or not I complete advanced training."

b. In April 2017, Petitioner was awarded Navy Enlisted Classification (NEC) N140.

c. On 25 April 2017, Petitioner transferred from ██████████, and arrived to ██████████ ██████████ on 25 May 2017 for duty.

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d. On 19 February 2018, Petitioner reenlisted for 6 years with an EAOS of 18 February 2024 and received a Zone A SRB.

e. In accordance with reference (b), this NAVADMIN announced revised SRB policy for Active Duty 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. On 5 January 2021, Petitioner was issued official change duty orders (BUPERS order: 0051) 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 22 May 2021. Petitioner's intermediate (02) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 7 June 2021. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 4 November 2021 with a projected rotation date (PRD) of November 2024.

g. In accordance with reference (c), FY21 SRB Award Plan (N13SRB 003/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 9 March 2021, Petitioner entered Zone B.

i. On 14 May 2021, Petitioner's Master Military Pay Account shows that Petitioner's Submarine Pay stopped.

j. On 14 May 2021, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 21 May 2021 for temporary duty.

k. On 5 October 2021, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 4 November 2021 for duty.

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

m. On 27 August 2023, Petitioner signed an agreement to extend enlistment for 9 months with a SEAOS of 18 November 2024 in order to match EAOS with PRD.

n. 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 5 January 2021, Petitioner was issued BUPERS order: 0051 with a PRD of November 2024. On 19 February 2021, reference (d) was published and authorized a Zone B SRB, however Petitioner was still in Zone A. On 9 March 2021, Petitioner entered Zone B. The

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Board determined that in accordance with reference (c), Petitioner would have been eligible to reenlist for 4 years on 13 March 2021 receive a Zone B SRB.

RECOMMENDATION

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

Petitioner's 9-month agreement to extend enlistment (NAVPERS 1070/621) executed on 27 August 2023 is null and void.

Petitioner was discharged on 12 March 2021 and reenlisted on 13 March 2021 for a term of 4 years.

Note: This change will entitle Petitioner to a Zone "B" SRB with an award level of "7.0" (\$100,000 award ceiling) for the EMN(SS)/N14O rate/NEC rating/NEC. Remaining obligated service to 18 February 2024 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, LT [REDACTED], [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

