



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

██████████
Docket No. 8675-23
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) FY21 SRB Award Plan (N13SRB 002/FY21), 28 Dec 20
(d) 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 26 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 16 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 15 January 2013, Petitioner's dependent child was born. On 16 April 2014, Petitioner's dependent child was born.

b. On 1 September 2014, Petitioner got married.

c. On 23 March 2015, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 22 March 2019 and Soft EAOS (SEAOS) of 22 March 2021; "Training in the Nuclear Field Program, and advancement to E-4, per MILPERSMAN Articles

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1160-040 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.”

d. On 13 July 2015, Petitioner’s dependent child was born. On 1 April 2016, Petitioner’s dependent child was born.

e. On 5 May 2017, Petitioner reenlisted for 6 years with an EAOS of 4 May 2023 and received a Zone A SRB.

f. On 22 June 2017, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 22 June 2017 for duty.

g. In January 2019, Petitioner was awarded Navy Enlisted Classification (NEC) N53Z and NEC 8CFL. In August 2019, Petitioner was awarded NEC N14S.

h. On 3 October 2019, Petitioner’s dependent child was born.

i. On 14 January 2020, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of January 2020. Petitioner’s ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty humanitarian assignment with an effective date of arrival of 28 February 2020 with a projected rotation date (PRD) of March 2021.

j. On 29 January 2020, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 29 January 2020 for duty.

k. 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.

l. On 29 July 2020, Petitioner’s Master Military Pay Account shows that Petitioner’s Submarine Pay stopped.

m. In accordance with reference (c), FY21 SRB Award Plan (N13SRB 002/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.

n. On 13 January 2021, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) with required obligated service to May 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 under instruction with an effective date of arrival of 22 May 2021. Petitioner’s ultimate activity was [REDACTED]

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[REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 30 July 2021 with a PRD of May 2024. Obligated service to May 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. In accordance with reference (d), 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.

p. On 23 March 2021, Petitioner entered Zone B.

q. On 1 May 2021, Navy Standard Integrated Personnel System (NSIPS)/Electronic Service Record (ESR) shows a 12-month agreement to extend enlistment with an SEAOS of 4 May 2024.

r. On 14 May 2021, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 23 May 2021 for duty.

s. In June 2021, Petitioner was awarded NEC 803R.

t. On 25 June 2021, Petitioner transferred from [REDACTED], and arrived to [REDACTED] 30 July 2021 for duty.

u. On 30 October 2023, Petitioner's Benefits for Education Administrative Service Tool listed no dependents.

v. 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 13 January 2021, Petitioner was issued BUPERS order: [REDACTED] with required obligated service to May 2024. At that time, a Zone B SRB was authorized in accordance with reference (c), however Petitioner was still in Zone A. On 23 March 2021, Petitioner entered Zone B. On 1 May 2021, NSIPS/ESR shows a 12-month agreement to extend enlistment to meet the OBLISERV. The Board determined that Petitioner should have been advised to reenlist vise extend enlistment. On 26 March 2021, Petitioner would have been eligible to reenlist for 4 years and receive a Zone B SRB. Furthermore, he would have been eligible to transfer education benefits to his dependents, if he so chooses.

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RECOMMENDATION

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

Petitioner's 12-month agreement to extend enlistment (NAVPERS 1070/621) operative on 5 May 2023 is null and void.

Petitioner was discharged on 25 March 2021 and reenlisted on 26 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)/N14S rating/NEC. Remaining obligated service to 4 May 2023 will be deducted from SRB computation. Additionally, Navy Personnel Command is authorized to align the transfer education benefits with the 26 March 2021 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.

11/22/2023