



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

██████████
Docket No. 8681-23
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 036/22, 11 Feb 22
(c) ASN (MRA) memorandum, 1 Sep 22

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion, BUPERS-3 memo 1212 Ser B3/1056, 24 Oct 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 show Petitioner was eligible for and received the Surface Warfare Officer Senior Officer Retention Bonus (SWO SORB).

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 21 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 4 June 2002, Petitioner was appointed an Ensign in the U. S. Naval Reserve. On 22 July 2002, Petitioner entered active duty.

b. On 4 June 2021, Petitioner completed 19 years of commissioned service.

c. In accordance with reference (b), this NAVADMIN announces the establishment of the SWO SORB for eligible SWOs. SWOs promoted to commander (CDR) and administratively screened for executive officer (XO)-special mission (SM), XO-afloat, commanding officer (CO)-SM, and CO-afloat who are serving in or completed milestone tours will have the opportunity to commit to the SWO SORB. The Navy will pay qualified officers for four years of obligated

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,
XXX-XX-[REDACTED]

service from the completion of the 19th year of commissioned service (YCS) to the completion of the 23rd YCS. CDRs with at least 18 YCS, but not more than 19 YCS, are eligible for the SWO SORB. AC SWOs will receive 12,000 dollars on the 19th, 20th, 21st and 22nd YCS anniversary. PERS-41 receives applications submitted in the format referenced in paragraph 7. PERS-41 is delegated the authority to: (1) Evaluate eligibility of SWOs applying for the SWO SORB program. (2) Approve SWO contracts to remain on active duty for the stated period in exchange for a SWO SORB. (3) Administer SORB payments. All applications require written endorsement from their commander, CO or equivalent superior in charge. Applications for SORB must be submitted between the 18th and 19th YCS. Approved applicants will receive payments on the 19th, 20th, 21st and 22nd YCS anniversary. Eligible officers with more than 19 YCS in year groups 2002 and 2003 may request an exception to policy (ETP) from the Assistant Secretary of the Navy (Manpower and Reserve Affairs) via PERS-41 before 1 June 2022 to be considered for all four payments on an adjusted timeline. If approved, officers would incur a service obligation completing four years.

d. On 18 April 2022, Petitioner notified Assistant Secretary of the Navy (Manpower and Reserve Affairs) via Commander, Mine Division [REDACTED], Commander, Navy Personnel Command (PERS-410), Surface Warfare Officer Community Manager (BUPERS-311), Director, Military Community Management (BUPERS-3), Director, Military Personnel Plans and Policy (NI3), and Deputy Chief of Naval Operations (Manpower, Personnel, Training and Education) (NI) that, "Per NAVADMIN 036/22, I respectfully request an ETP to receive the Senior Officer Retention Bonus. I commissioned on 17 June 2002 and am year group 2003 officer with more than 19 YCS, meeting all eligibility requirements except for submission prior to YCS 19. I was screened for Commanding Officer Afloat and completed the milestone tour as Executive Officer of [REDACTED] embarked on [REDACTED] [REDACTED]) and [REDACTED] [REDACTED]). If approved, I agree to a four-year service obligation with an adjusted payment scheme per NAVADMIN 036/22."

e. On 18 April 2022, Petitioner notified Commander, Navy Personnel Command (PERS-410) via Commander, [REDACTED] Division [REDACTED] that, "I have read and understand the provisions of reference (a), including all provisions relating to termination of payments to be made under this agreement and the circumstances under which recoupment by the government of sums paid may be required, to which I agree. I hereby apply for the SWO SORB authorized in NAVADMIN 036/22. Contingent upon acceptance of my application for this bonus, I agree not to tender a resignation which will be effective prior to the completion of the period obligated to under provisions of SWO SORB payments received. I understand that, upon acceptance, this application is binding, and there upon I shall be eligible to receive the bonus discussed in NAVADMIN 036/22 per the disbursement schedule delineated in NAVADMIN 036/22." On 7 May 2022, Commander, [REDACTED] Division [REDACTED] notified Commander, Navy Personnel Command (PERS-40) of First Endorsement. Forwarded, recommending approval.

f. On 29 April 2022, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of October 2022. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of November 2022 with a projected rotation date (PRD) of November 2024.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,
XXX-XX-[REDACTED]

g. On 7 May 2022, Commander, [REDACTED] Division [REDACTED] notified Assistant Secretary of the Navy (Manpower and Reserve Affairs) via Commander, Navy Personnel Command (PERS-410), Surface Warfare Officer Community Manager (BUPERS-311), Director, Military Community Management (BUPERS-3), Director, Military Personnel Plans and Policy (N13), and Deputy Chief of Naval Operations (Manpower, Personnel, Training, and Education) (NI) of First Endorsement on Petitioner's letter of 18 April 2022. Forwarded, recommending approval.

h. On 21 June 2022, Petitioner was issued official modification to change duty orders (BUPERS order: [REDACTED]) while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of October 2022. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of October 2022 with a PRD of October 2024.

i. On 19 July 2022, Petitioner was issued official modification to change duty orders (BUPERS order: [REDACTED]) while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of September 2022. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of October 2022 with a PRD of October 2024.

j. In accordance with reference (c) (1 September 2022), This memorandum authorizes an ETP to the Navy's SWO SORB as authorized by the Assistant Secretary of the Navy (Manpower and Reserve Affairs) memorandum for "Senior Officer Retention Bonus - Surface Warfare Officer - 1110/1117," of 29 October 2021. The Navy is authorized to offer the SWO SORB to otherwise eligible SWOs in year groups 2002 and 2003 who have already exceeded 19 years commissioned service and would not be able to complete the four-year service obligation by 23 years of commissioned service as currently required. SWOs approved for SORB under this exception are still required to serve a minimum of a four-year obligation and will serve beyond 23 YCS. SWO SORB is not authorized if the service obligation would extend beyond 25 years of active commissioned service. The authority to execute this ETP may be further delegated. No exceptions will be approved after September 30, 2022. All other provisions of the October 29, 2021 authorization memorandum apply. Bonuses paid will be subject to funding availability.

k. On 29 September 2022, Petitioner transferred from [REDACTED], and arrived to [REDACTED], on 11 October 2022 for duty.

l. On 17 November 2022, Commanding Officer, [REDACTED] ([REDACTED]) (Petitioner) notified BCNR via Commander, [REDACTED] Division [REDACTED] that, "I do feel that I was disadvantaged through a series of administrative shortfalls that prevented my package for being properly endorsed before the deadline. I had multiple personnel engagements with both admin staffs and was not made aware of the shortfalls or the need for a third package submission all while also balancing undocking and restoring [REDACTED] ([REDACTED]) for sea and deployment tasking following an EDSRA that prevented this from being my singular focus."

m. On 20 December 2022, Commander, [REDACTED] Division [REDACTED] notified BCNR that, "With seven different crews and 850+ Sailors to keep track of, my Admin is strained, and at times one Yeoman or Personnel Specialist can be assigned to 140 Sailors due to my own Staff manning

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,
XXX-XX-[REDACTED]

constraints. [Petitioner's] assumption was that if there were any issues, he would have heard from me personally, or from my Staff as the due date for the SORB approached. When that didn't occur, and when the forceful backup was not provided, it would have been in accordance with previous support that my team had provided him to expect that the paperwork had been submitted and an on time payment could be expected. When that didn't occur, the shortfalls he experienced were made aware to me. My COs depend on me to provide the administrative support they would normally receive if they had their own Admin Department (YNs and PSs) assigned. Unfortunately, this was an example where I did not provide the forceful backup to my former CO and ensure that the paperwork was submitted on time. It was my responsibility, and not his, to get the completed package in and for him to receive the SORB. I request that [Petitioner] not be held at fault and that his record be corrected in order for him to receive the SORB. He is the officer that this bonus was conceived to award, which is on display in his unselfish dedication to the Surface Warfare community and his volunteering to take on a subsequent Commander Command tour at Sea."

n. On 7 February 2023, Commander, Navy Personnel Command (PERS-410) notified Assistant Secretary of the Navy (Manpower and Reserve Affairs) via Surface Warfare Officer Community manager (BUPERS-311), Director, Military Community Management (BUPERS-3), Director Military Personnel Plans and Policy (N13), and Deputy Chief of Naval Operations (Manpower, Personnel, Training, and Education) (N1) of Second Endorsement on Petitioner's letter of 18 April 2022 (Surface Warfare Officer Senior Officer Retention Bonus ETP Request). Forwarded, recommending approval.

o. In correspondence 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 Petitioner applied for the SWO SORB authorized in NAVADMIN 036/22, with the required command endorsements, prior to the deadline of 1 June 2022. Due to the lack of administrative support and not at the fault of Petitioner, his request was not submitted prior to the due date, as a result Petitioner did not receive the SORB.

RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that: Petitioner's ETP request for Surface Warfare Officer Senior Officer Retention Bonus was submitted via the chain of command to the approving authority in a timely manner and was approved by cognizant authority on 1 June 2022. Petitioner incurred a service obligation completing four years. Note: Initial payment would occur upon ETP approval, with three annual payments on the ETP submission date anniversary. Furthermore, the Defense Finance and Accounting Service should contact PERS-41 concerning payment.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,
XXX-XX-[REDACTED]

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.

12/4/2023

[REDACTED]