



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

██████████
Docket No. 8689-23
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 005/FY21), 9 Aug 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 9 January 2022 for 4 years and was eligible for and received a Selective Reenlistment Bonus (SRB), and was eligible to transfer education benefits to his dependents.

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 6 January 2016, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 5 January 2020 and Soft EAOS (SEAOS) of 5 January 2022; "Training in the Nuclear Field. MILPERSMAN 1510-030 and MILPERSMAN 1306-500, 1306-502, and 1306-504 NR are governing directives. Advancement to Rate and Grade per MILPERSMAN 1430-010. I understand that this extension of active service becomes binding upon execution, and thereafter may not be cancelled, except as set forth in MILPERSMAN 1160-040 and 1510-030. 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 26 February 2016, Petitioner got married. On 17 November 2016, Petitioner's first child was born.

c. On 24 January 2018, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 24 January 2018 on duty.

d. On 6 March 2018, Petitioner's second child was born.

e. On 6 April 2018, Petitioner reenlisted for 6 years with an EAOS of 5 April 2024 and received a Zone A SRB.

f. In February 2020, Petitioner was awarded Navy Enlisted Classification (NEC) N13S.

g. 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.

h. In May 2021, Petitioner was awarded NEC N73Z.

i. In accordance with reference (c), FY21 SRB Award Plan (N13SRB 005/FY21), 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.

j. On 24 September 2021, Petitioner was issued official change duty orders (BUPERS order: 2671) with required obligated service to April 2025, while stationed in [REDACTED] with an effective date of departure of January 2022. Petitioner's intermediate (01) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 7 February 2022. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 30 April 2022 with a projected rotation date of April 2025. Obligated service to April 2025 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.

k. On 28 December 2021, Petitioner signed an agreement to extend enlistment for 12 months with SEAOS of 5 April 2025 in order to incur obligated service to execute BUPERS order 2671.

l. On 6 January 2022, Petitioner entered Zone B.

m. On 12 January 2022, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 7 February 2022 on temporary duty.

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n. On 7 February 2022, Petitioner's Master Military Pay Account shows that Petitioner's Submarine Pay stopped.

o. On 29 April 2022, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 29 April 2022 on duty.

p. In May 2022, Petitioner was awarded NEC 805A. In October 2022, Petitioner was awarded NEC N59X.

q. On 14 November 2023, Petitioner's Benefits for Education Administrative Service Tool listed no dependents.

r. 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 24 September 2021, Petitioner was issued BUPERS order: 2671 with required obligated service to April 2025. At that time, a Zone B SRB was authorized in accordance with reference (c), however Petitioner was still in Zone A. On 28 December 2021, Petitioner signed an agreement to extend enlistment to meet the OBLISERV. On 6 January 2022, Petitioner entered Zone B. The Board determined that Petitioner should have been advised to reenlist after entering Zone B vice extend enlistment. On 9 January 2022, Petitioner would have been eligible to reenlist for 4 years and receive a Zone B SRB. Furthermore, Petitioner would have been eligible to transfer his education benefits to his dependents.

RECOMMENDATION

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

Petitioner's 12-month agreement to extend enlistment (NAVPERS 1070/621) executed on 28 December 2021 is null and void.

Petitioner was discharged 8 January 2022 and reenlisted on 9 January 2022 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 rate/NEC. Remaining obligated service to 5 April 2024 will be deducted from SRB computation. Additionally, Navy Personnel Command is authorized to align transfer education benefits with the 9 January 2022 reenlistment. Furthermore, that any other entries affected by the Board's recommendation be corrected. Contact Assistant Nuclear Enlisted Program Manager, N133D, [REDACTED] concerning SRB payment.

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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.

11/25/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]