



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

█
Docket No. 8748-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █

Ref: (a) Title 10 U.S.C. § 1552
(b) NAVADMIN 108/20, 15 Apr 20
(c) FY22 SRB Award Plan (N13 SRB 005/FY22), 23 Sep 22
(d) FY23 SRB Award Plan (N13 SRB 002/FY23), 18 Apr 23

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 29 April 2023 for 4 years and was eligible for and received a Zone B Selective Reenlistment Bonus (SRB), and was eligible to transfer his education benefits.

2. The Board, consisting of █ reviewed Petitioner's allegations of error and injustice on 13 February 2024 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 18 June 2014, Petitioner's first dependent child was born. On 25 January 2017, Petitioner got married.

b. On 27 April 2017, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 26 April 2021 and Soft EAOS (SEAOS) of 26 April 2023; "Training in the Nuclear Field. MILPERSMAN 1510-030 and MILPERSMAN 1306-500, 1306-502, and 1306-50 (NF) 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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]

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.”

c. On 14 March 2019, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 13 April 2019 for duty.

d. In April 2019, Petitioner was awarded Navy Enlisted Classification (NEC) N23O.

e. On 2 December 2019, Petitioner reenlisted for 6 years with an EAOS of 1 December 2025 and received a Zone A SRB.

f. 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.

g. On 26 April 2021, Petitioner’s Second dependent child was born.

h. In October 2021, Petitioner was awarded NEC V41B. In December 2021, Petitioner was awarded NEC N23S.

i. In accordance with reference (c), FY22 SRB Award Plan (N13 SRB 005/FY22), a Zone “B” SRB with an award level of 8.5 (\$100,000 award ceiling) for the ETN(SW)/N23O/S rate/NEC was listed.

j. On 28 September 2022, Petitioner was issued official change duty orders (BUPERS order: 2712) with required obligated service to August 2026, while stationed in [REDACTED] with an effective date of departure of April 2023. Petitioner’s intermediate (01) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 29 May 2023. Petitioner’s ultimate activity was [REDACTED] for duty with an effective date of arrival of 19 August 2023 with a Projected Rotation Date of August 2026. Obligated service to August 2026 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 2 March 2023, Petitioner signed an agreement to extend enlistment for 8 months with a SEAOS of 1 August 2026 in order to incur sufficient obligated service to execute BUPERS order 2712.

l. In accordance with reference (c), FY23 SRB Award Plan (N13 SRB 002/FY23), a Zone “B” SRB with an award level of 8.5 (\$100,000 award ceiling) for the ETN(SW)/N23O/S rate/NEC was listed.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]

- m. On 27 April 2023, Petitioner entered Zone B.
- n. On 29 April 2023, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 30 May 2023 for duty.
- o. On 19 August 2023, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 19 August 2023 for duty.
- p. In September 2023, Petitioner was awarded NEC N805A.
- q. On 2 February 2024, Petitioner's Benefits for Education Administrative Service Tool listed a request date of 26 November 2023 and rejected on 27 November 2023.

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 28 September 2022, Petitioner was issued BUPERS order: 2712 with required obligated service to August 2026. At that time, a Zone B SRB was authorized in accordance with reference (c), however Petitioner was still in Zone A. On 2 March 2023, Petitioner signed an agreement to extend enlistment for 8 months to meet the OBLISERV. On 27 April 2023, Petitioner entered Zone B. The Board determined that Petitioner should have signed a NAVPERS 1070/613 vice extension of enlistment. On 29 April 2023, Petitioner would have been eligible to reenlist for 4 years and receive a Zone B SRB, and 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 8-month agreement to extend enlistment (NAVPERS 1070/621) executed on 2 March 2023 is null and void.

Petitioner executed an Administrative Remarks (NAVPERS 1070/613) on 2 March 2023 agreeing to extend enlistment for 8 months for OBLISERV to August 2026.

Petitioner was discharged 28 April 2023 and reenlisted on 29 April 2023 for a term of 4 years.

Note: This change will entitle Petitioner to a Zone "B" SRB with an award level of "8.5" (\$100,000 award ceiling) for the ETN(SW)/N23S rating/NEC. Remaining obligated service to 1 December 2025 will be deducted from SRB computation. Additionally, Navy Personnel Command is authorized to align transfer of education benefits with the 29 April 2023 reenlistment. Furthermore, that any other entries affected by the Board's recommendation be corrected.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]

The Board for Correction of Naval Records (BCNR) will not take any action with the Defense Finance and Accounting Service (DFAS) for the SRB payment. Petitioner's SRB payment will not be funded by the BCNR's Claims Line of Accounting (LOA). [REDACTED] has secured funding via unexecuted SRB funds and will use their LOA to pay the SRB payment, and will coordinate directly with the DFAS to determine Petitioner's incentive. Contact the 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.

2/20/2024

[REDACTED]