



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

██████████
Docket No. 8827-23
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 of 15 Apr 20
(c) FY22 SRB Award Plan (N13SRB 002/FY22), 13 May 22
(d) FY23 SRB Award Plan (N13 SRB 001/FY23), 26 Oct 22

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 10 January 2023 for 4 years and was eligible for and received a Selective Reenlistment Bonus (SRB), and was eligible to transfer his education benefits to his dependents.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 14 December 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 December 2015, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 8 December 2019 and Soft EAOS (SEAOS) of 8 December 2021; "Training in the Nuclear Field Program and advancement to E4 per MILPERSMAN 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 MILPCR5MAN 1160-040. 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. In January 2018, Petitioner was awarded Navy Enlisted Classification (NEC) N13O.

c. On 24 June 2018, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 25 June 2018 for duty.

d. On 17 September 2018, Petitioner reenlisted for 6 years with an EAOS of 16 September 2024 and received a Zone A SRB.

e. On 4 November 2019, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 6 November 2019 for duty.

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 17 April 2020, Petitioner was issued official change duty orders (BUPERS order: [REDACTED] while stationed in [REDACTED] with an effective date of departure of April 2020. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 18 April 2020 with a Projected Rotation Date (PRD) of July 2022.

h. In October 2020, Petitioner was awarded NEC N73Z. In August 2021, Petitioner was awarded NEC N13S. In October 2021, Petitioner was awarded NEC N33Z

i. On 9 December 2021, Petitioner entered Zone B.

j. In accordance with reference (c), FY22 SRB Award Plan (N13SRB 002/FY22), 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.

k. On 27 June 2022, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) with required obligated service to April 2026, while stationed in [REDACTED] with an effective date of departure of December 2022. Petitioner's intermediate (01) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 9 January 2023. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 29 April 2023 with a PRD of April 2026. Obligated service to April 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.

l. On 12 September 2022, Navy Standard Integrated Personnel System (NSIPS)/Electronic Service Record (ESR) shows an 18-month agreement to extend enlistment with an SEAOS of 16 March 2026.

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m. On 2 October 2022, Petitioner got married and gained two stepchildren born on 4 June 2019 and 30 September 2020.

n. In accordance with reference (d), FY23 SRB Award Plan (N13 SRB 001/FY23), 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.

o. On 2 December 2022 Petitioner's Master Military Pay Account shows that Petitioner's Submarine Pay stopped.

p. In December 2022, Navy Standard Integrated Personnel System (NSIPS)/Electronic Service Record (ESR) shows a 1-month agreement to extend enlistment with an SEAOS of 16 April 2026.

q. On 2 December 2022, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 10 January 2023 for temporary duty.

r. In March 2023, Petitioner was awarded NEC 805A.

s. On 28 April 2023, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 28 April 2023 for duty.

t. On 7 December 2023, Petitioner's Benefits for Education Administrative Service Tool listed no dependents.

u. 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 9 December 2021, Petitioner entered Zone B. On 27 June 2022, Petitioner was issued BUPERS order: [REDACTED] with required obligated service to April 2026. At that time, a Zone B SRB was authorized in accordance with reference (c). On 12 September 2022, NSIPS/ESR shows an 18-month agreement to extend enlistment to meet the OBLISERV. In December 2022, NSIPS/ESR shows an additional 1-month agreement to extend enlistment. The Board determined that Petitioner should have signed a NAVPERS 1070/613 vice extensions to extend enlistment. On 10 January 2023, 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:

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Petitioner's 18-month agreement to extend enlistment (NAVPERS 1070/621) operative on 17 September 2024 is null and void.

Petitioner's 1-month agreement to extend enlistment (NAVPERS 1070/621) operative on 17 March 2026 is null and void.

Petitioner executed an Administrative Remarks (NAVPERS 1070/613) on 27 June 2022 agreeing to extend enlistment for 19 months for OBLISERV to April 2026.

Petitioner was discharged 9 January 2023 and reenlisted on 10 January 2023 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 16 September 2024 will be deducted from SRB computation. Additionally, Navy Personnel Command is authorized to align the transfer of education benefits with the 10 January 2023 reenlistment. 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.

12/22/2023

[REDACTED]