



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

WJH:djc  
Docket No. 5282-06  
31 October 2006

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

Subj: REVIEW OF NAVAL RECORD ICO  
[REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments  
(2) NPC Memo 1430 PERS-4812 dtd 16 Aug 06  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), the Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show that she completed her initial training on 15 October 2004 in order to establish bonus eligibility.

2. The Board, consisting of Mr. Bishop, Mr. Haney, and Mr. Ivins, reviewed Petitioner's allegations of error and injustice on 31 October 2006 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, naval records, and applicable statutes, regulations and policies. The Board also considered an advisory opinion prepared by Naval Personnel Command(PERS 4812), a copy of which is attached as enclosure (2).

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. [REDACTED] enlisted in the US Naval Reserve under the National Call to Service (NCS) program on 21 February 2004. As part of that enlistment, she signed Annex A to Enlistment/Reenlistment Document Armed Forces of the United States DD Form 4 and National Call to Service (NCS) Cash Bonus, Statement of Understanding.

b. Annex A to DD Form 4 signed by the Petitioner on 21 February 2004 included the following acknowledgements:

"I am enlisting into the United States Naval Reserve for a period of 8 years with **15 months of active duty after initial entry/skill training.**"

Upon enlistment, I will be enlisted under the provisions of CNRC Instruction 1130.8(series), with the option or options as indicated below:

Option (1) Guaranteed assignment to Operations Specialist Class "A" School.

**Option (2) Enlistment Bonus Guarantee \$5,000.00."**

c. The NCS Cash Bonus, Statement of Understanding signed by the petitioner on 21 February 2004 included the following acknowledgements:

"2. I understand that **entitlement to the cash bonus/educational allowance is predicated on** either completion of the total initial active duty commitment (**15 months of active duty after completion of initial training**) or reenlistment/extension on active duty for a period of at least two years."

d. Petty Officer ██████████ commenced her active service under the National Call to Service (NCS) Program on 16 June 2004.

e. Petty Officer ██████████ thereafter completed recruit training and Operations Specialist "A" school. She completed her initial entry/skill training on 15 November 2004.

f. Petty Officer ██████████ served honorably for the next thirteen months and was released from Active Duty and transferred to the Navy Reserves on 15 December 2005. This was eighteen (18) months after commencing her active service but only thirteen (13) months after completion of initial entry/skill training.

g. Because Petty Officer ██████████ completed only 13 months of active duty after completion of initial training, she did not receive the \$5000 bonus.

h. At the time of her release from active duty, Petty Officer ██████████ DFAS Military Leave and Earnings Statement (LES October

2005) erroneously showed an Expiration Term of Service (ETS) of "15 December 2005".

i. Petty Officer ██████████ Personnel On Line Listing (POLL), reflected the correct Expiration of Active Obligated Service (EAOS) date of 15 February 2006.

j. Petty Officer ██████████ was erroneously released from active duty by her command on 15 December 2005, eighteen months after her active duty commenced vice 15 February 2006, fifteen months after her completion of initial training.

k. Her early release resulted in non-payment of the bonus.

l. The Navy Personnel Command (PERS 4812) provided comments and recommendations by enclosure (2). In particular, they recommend that no change be made to Petty Officer ██████████'s record to entitle her to a bonus. PERS 4812 reasons simply that she did not serve the required fifteen months after completion of training to entitle her to a bonus. PERS 4812 also advised the Board verbally that they could administratively waive up to 30 days of the required 15 months, but not 60 days.

#### CONCLUSION

Upon review and consideration of all the evidence of record, and notwithstanding the opinion expressed in enclosure (2), the Board finds the existence of an injustice warranting corrective action. The Board understood that Petty Officer ██████████'s contract required 15 months of service after the completion of initial training for bonus eligibility. However, the Board also noted that the Petitioner's LES reflected an incorrect ETS. The Board accepted Petty Officer ██████████'s explanation that she relied on the date reflected on her LES as the correct ETS. They found that accepting her explanation was reasonable especially in light of the following factors. First and foremost, her command also must have also erroneously concluded that she had reached her ETS when they took action to release her on 15 December 2005 vice 15 February 2006. At the time, Petty Officer ██████████ was a junior Third Class Petty Officer with little experience (as compared to the collective experience of her command). Also, that Petty Officer ██████████ was released under honorable conditions and that she is currently serving in the Reserves also militated in her favor. Accordingly, the Board concluded that the record should be changed to show that Petty Officer ██████████ met the obligated service necessary to entitle her to the \$5000 enlistment bonus.

RECOMMENDATION:

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

a. Petitioner graduated from Operations Specialist Class "A" School thereby completing her "initial training" on 15 October 2004 vice any other date.

b. PERS 4812 administratively waived 30 days of the required 15 months to establish bonus eligibility.

c. The above change will entitle petitioner to an Enlistment Bonus Guarantee of \$5,000.00 on 16 December 2005.

d. A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. It is certified that 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.

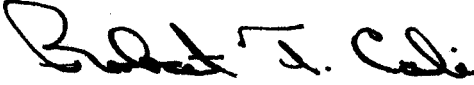
ROBERT D. ZSALMAN  
Recorder

  
WILLIAM J. HESS III  
Acting Recorder

5. The foregoing action of the Board is submitted for your review and action.

  
W. DEAN PFEIFFER

Reviewed and approved:

  
11-9-06

**Robert T. Cali**  
Assistant General Counsel  
(Manpower and Reserve Affairs)