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

WJH: DJC
Docket No. 4466-09
27 October 2009

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) NAVADMIN 240/08 of 28 August 2008
(3) Reenlistment Request Form
(4) NPC Memo 1160 Ser 811/618 dtd 18 Sep 09
(5) Subject's naval record

1. Pursuant to the provisions of reference (a) Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to establish entitlement to a zone "C" Selective Reenlistment Bonus (SRB).

2. The Board, consisting of Mr. , Mr. , and Mr. , reviewed Petitioner's allegations of error and injustice on 26 October 2009 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.

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

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In late 2008, applicant was a Hospital Corpsman Petty Officer First Class (HM1) on active duty with an End of Obligated Service (EAOS) date of 6 February 2009. The applicant also had executed a 4 month extension agreement that would become operative on 7 February 2009. He was deployed to the [redacted]

c. On 28 August 2008, NAVADMIN 240/08 was published announcing Selective Reenlistment Bonus (SRB) award levels for Active and Reserve component personnel. The NAVADMIN listed an award level of 2.0 for members with an HM rating (NEC 8541) who reenlist in zone C. Under the guidance announced by NAVADMIN 240/08, "Commands must submit SRB requests via OPINS (Officer Personnel Information System) 35-120 days in advance of the sailor's EAOS or reenlistment date to ensure the approval or disapproval message will reach the sailor's command and the Defense Finance and Accounting Service before the reenlistment date." See enclosure (2).

d. On 22 December 2008, Petitioner contacted [redacted] seeking instructions on how to request reenlistment. Pursuant to [redacted] instructions, Petitioner submitted a reenlistment request form for routing through the chain of command on 29 December 2008. Petitioner requested authorization to reenlist on 5 February 2009 for a term of 4 years. See enclosure (3).

e. On 4 January 2009, Petitioner's commanding officer approved Petitioner's request to reenlist on 5 February 2009 for a term of 4 years. However, Petitioner's command never submitted a request into OPINS seeking authorization for an SRB.

f. On 5 February 2009, the member reenlisted for 4 years. The member did not receive a Selective Reenlistment Bonus because the OPINS request was never submitted by his command nor approved by the Navy Personnel Command.

g. On 28 April 2009, Petitioner submitted an application to this Board averring, essentially, that the failure to submit his SRB request into OPINS before his reenlistment date was through no fault of his own and that he should not be deprived of a reenlistment bonus because of that failure. To bolster his application, he submitted copies of electronic mail messages from [redacted] stating that the omission occurred because the Expeditionary Combat [redacted] was "trying to get procedures and accesses in place so the Career Counselors in the various operating areas could submit these" OPINS requests.

h. By enclosure (4), the Naval Personnel Command (NPC) has provided a recommendation that no relief be granted that would provide the member a reenlistment bonus. NPC reasons that no SRB request was ever submitted into OPINS and, because the applicants reenlistment request was not approved by his commanding officer until 4 January 2009, even if it had been submitted into OPINS, the request would not

have arrived at least 35 days in advance of the requested reenlistment date of 5 February 2009.

CONCLUSION

Upon review and consideration of all the evidence of record, and notwithstanding the opinion expressed in enclosure (4), the Board finds the existence of an injustice warranting corrective action. The Board noted that this member was deployed in support of a contingency operation outside of CONUS when he initiated his request to reenlist. Unlike members who are in CONUS serving in a garrison or office environment, he had only limited and spotty access to the personnel and systems that are normally available to facilitate smooth reenlistment bonus applications. Accordingly, the Board first determined that extra care should be taken to consider the evidence in the light most favorable to the applicant and that every possible favorable consideration should be granted wherever possible. When viewed in that light, the Board noted that Petitioner initiated the steps to reenlist as early as 22 December 2008 which is more than 35 days ahead of his requested reenlistment date of 5 February 2009. If his command had been able to quickly submit the request into OPINS before 2 January 2009, the member would likely have received authority to reenlist for a bonus. The delay in processing the request and the failure to submit the SRB request into OPINS was not attributable to the Petitioner. [1] Under these circumstances, the Board was of the opinion that the member should not be penalized for the inability of his command to submit the request into OPINS before 2 January 2009 and that relief should be granted to authorize the payment of an SRB with an award level of 2.0.

RECOMMENDATION:

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

a. Petitioner's command submitted a request via OPINS prior to 2 January 2009 seeking authorization for Petitioner to reenlist for an SRB.

b. The Navy Personnel Command approved the request to reenlist for an SRB.

c. The Petitioner was discharged on 4 February 2009 and reenlisted, on 5 February 2009. The term is 4 years.

[1] Inasmuch as the command is also burdened with the manpower shortages, austere environments, communication challenges and other hardships associated with supporting an overseas contingency operation, the Board found that the delay in processing the request was not attributable to the command either.

d. This change will entitle the member to a zone "C" SRB with an award level of 2.0 for the HM/8541 rate/NEC. Remaining obligated service to 6 February 2009 will be deducted from SRB computation.

e. 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.

27 October 2009

W. DEAN PFEIFFER
Executive Director

Reviewed and approved.

Acting AGC (MRA)
11-17-09