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

DJC
Docket No. 5684-09
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) NAVADMIN 006/09 of 9 January 2009
(4) Reenlistment Request Form
(5) NAVADMIN 050/09 of 10 February 2009
(6) NPC Memo 1160 Ser 811/676 dtd 14 Oct 09
(7) 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 "B" 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 an Information Systems Technician First Class (IT1) on active duty with an End of Obligated Service (EAOS) date of 21 October 2009.

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 1.0 for members with an IT (NEC 2735) rating who reenlist in zone B. 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 28 October 2008, the applicant received Permanent Change of Station (PCS) orders with an estimated detachment month of March 2009. He was required to obligate additional service (OBLISERV) to July 2012 in order to execute the homeport change associated with his PCS orders.

e. On 9 January 2009, NAVADMIN 006/09 was published announcing significant policy changes to the SRB Program. Under NAVADMIN 006/09, in order to be eligible for an SRB, a sailor's reenlistment must occur within 90 days of a sailor's EAOS. One significant exception to this new limitation (that applies to Petitioner) was that members in receipt of PCS orders who were required to obligate additional service to execute the orders are allowed to reenlist anytime within the same fiscal year as the detachment month. Because the applicant was in receipt of PCS orders with an estimated detachment date of March 2009, he met the exception and was not required to reenlist within 90 days of his EAOS to be eligible for SRB. NAVADMIN 006/09 also reiterated the requirement that, "All SRB reenlistment requests are required to be submitted via OPINS 35-120 days prior to the requested reenlistment date." See enclosure (3).

f. On 23 January 2009, Petitioner submitted a reenlistment request form to his Command Career Counselor for routing through the chain of command. He requested authorization to reenlist on 10 March 2009 for the available bonus (award level 1.0) for a term of 5 years. See enclosure (4).

g. Petitioner's commanding officer approved his request to reenlist on 4 February 2009.

h. On 10 February 2009, NAVADMIN 050/09 was published announcing revised SRB award levels and superseding NAVADMIN 240/08. Increases in awards levels became effective immediately and decreases in award levels became effective on 11 March 2009. Under NAVADMIN 050/09, Petitioner's award level would decrease from 1.0 to 0.5 on 11 March 2009. See enclosure (5).

i. Petitioner's command submitted the SRB request into OPINS on 3 March 2009.

j. On 8 March 2009, Petitioner's command was advised that, because Petitioner's OPINS request had not been submitted 35 days in advance of the requested reenlistment date, no bonus would be authorized for the planned 10 March 2009 reenlistment.

k. On 10 March 2009, rather than reenlisting (for no bonus), Petitioner executed a 24 month agreement to extend enlistment, (NAVPERS 1070/621) to meet the OBLISERV requirements of his PCS orders. The 24 month extension became operative on 22 October 2009.

l. On 11 March 2009 The member transferred to [redacted]

m. On 30 March 2009, Petitioner's new command submitted a "new" OPINS request.

n. On 8 April 2009, the OPINS request was approved for an award level of 0.5 by the Navy Personnel Command (NPC).

o. On 30 April 2009, Petitioner reenlisted for 5 years. He received a Selective Reenlistment Bonus based on an award multiple of 0.5 (the "decreased" award level).

p. On 28 May 2009, Petitioner submitted an application to this Board averring, essentially, that the failure to submit the SRB request into OPINS earlier to ensure eligibility for the higher award, was through no fault of his own and should be attributed to a failure of his command. To bolster his application, he submitted an e-mail from his former Career Counselor stating, essentially, that the delay in approving Petitioner's reenlistment request and submitting the SRB request into OPINS was due to misrouting of the request in the chain of command. Had it been routed correctly, there would have been "ample time to beat the 35 day deadline."

q. By enclosure (6), the Navy Personnel Command (NPC) has provided a recommendation that no relief be granted that would provide the member with a higher award level for his reenlistment. NPC reasons that the SRB request was not entered into OPINS at least 35 days in advance of the requested reenlistment date as required by the governing NAVADMINS.

CONCLUSION

Upon review and consideration of all the evidence of record, and notwithstanding the opinion expressed in enclosure (6), the Board finds the existence of an injustice warranting corrective action. The Board relied heavily on the following factors: The member submitted his reenlistment request to his command on 23 January 2009, well ahead of his EAOS (of 21 October 2009) and well ahead of his requested reenlistment date (of 10 March 2009). His command was unable to process his reenlistment request into OPINS in a more timely manner due to misrouting of the request within the chain of command. If the SRB request had been entered in OPINS in more quickly, Petitioner would likely have been authorized to reenlist for a bonus with the "higher" award level. The delay in submitting the SRB request into OPINS was not attributable to the Petitioner. 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 earlier and that relief should be granted to authorize the payment of an SRB with an award level of 1.0 (vice 0.5).

RECOMMENDATION:

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

a. Petitioner's command submitted a request via OPINS prior to 3 February 2009 seeking authorization for Petitioner to reenlist on 10 March 2009 for an SRB with an award level of 1.0.

b. The Navy Personnel Command approved the request to reenlist for an SRB with an award level of 1.0.

c. The Petitioner was discharged and reenlisted on 9/10 March 2009, vice on or about 29/30 April 2009. The term is 5 years.

d. The 24 month agreement to extend enlistment, (NAVPERS 1070/621), operative on or about 22 October 2009, is null and void.

e. This change will entitle the member to a zone "B" SRB with an award level of 1.0 for the IT/2735 rate/NEC. Remaining obligated service to 21 October 2009 will be deducted from SRB computation.

f. 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 (M&RA)
11/17/09