



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

[REDACTED]
Docket No. 628-17
DEC 19 2017

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED] USN,
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/attachments
(2) NPC memo 1160 Ser 813/108 of 27 Jun 17
(3) 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 modify an enlistment contract.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 29 September 2017 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 correspondence 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 partial merit and warrants partial 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 partial corrective action due to the following: On 14 December 2012, the Petitioner erroneously executed an agreement to extend enlistment for 14 months, although no obligation of service was required; however, due to this administrative oversight, Petitioner reenlisted for 6 years vice 4 years on 8 February 2014 in order to maximize Petitioner's SRB.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED] USN,
[REDACTED]

RECOMMENDATION

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

The 14 month Agreement to Extend Enlistment (NAVPERS 1070/621), executed on or about 14 December 2012 is null and void. Note: this reestablishes the previous End of Active Obligated Service (EAOS) of 8 February 2014 and Soft End of Active Obligated Service (EAOS) of 8 February 2016.

The Immediate Reenlistment Contract (NAVPERS 1070/601), executed on or about 8 February 2014 is for a term of 4 years vice 6 years.

Note: Defense Finance and Accounting Service (DFAS) will complete an audit of Petitioner's records to determine if Petitioner is due any back pay (Selective Reenlistment Bonus).

That part of the Petitioner's request for corrective action that exceeds the foregoing is denied. Records show the Petitioner enlisted on 9 February 2010 via the advanced technical field special warfare operator challenge program for 4 years and voluntarily extended for 24 months to meet the rating, school, and program guaranteed. Additionally, he received an enlistment bonus for source rate.

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.

[REDACTED]
Recorder

5. Pursuant to the delegation of authority set out in Section 6(c) 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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

[REDACTED]
Executive Director