



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

[REDACTED]
Docket No. 6840-23
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) FY22 SRB Award Plan (N13SRB 003/FY22), 28 Jun 22
(c) FY23 SRB Award Plan (N13 SRB 002/FY23), 18 Apr 23

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by CMSB memo 1160 Ser B328/138, 23 Aug 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 show Petitioner's Soft End of Active Obligated Service (SEAOS) was 15 April 2024 vice 15 April 2026 and that Petitioner reenlisted on 3 August 2023 for 5 years and was eligible for and received a Selective Reenlistment Bonus (SRB).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 4 April 2024 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 the 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 allegation of error and injustice, finds as follows:

a. On 16 April 2018, Petitioner entered active duty for 4 years with an EAOS of 15 April 2022 and SEAOS of 15 April 2023.

b. In January 2022, Petitioner was awarded Navy Enlisted Classification (NEC) S07A.

c. In accordance with reference (b), FY22 SRB Award Plan (N13SRB 003/FY22), a Zone "A" SRB with an award level of 1.5 (\$30,000 award ceiling) for the CTN rate was listed.

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d. On 5 July 2022, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) with required obligated service to August 2026, while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of December 2022. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty under instruction with an effective date of arrival of 15 January 2023, a graduation date of 3 August 2023, and with a Projected Rotation Date (PRD) of August 2023. Obligated service to August 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.

e. On 2 August 2022, Petitioner signed a command career request (NPPSC 1160/1) requesting a 24-month extension in order to OBLISERVE for school. Petitioner's request was approved on 8 August 2022 by cognizant authority.

f. On 2 August 2022, Petitioner signed an administrative remarks (NAVPERS 1070/613) for the following: "In consideration of assignment to [REDACTED], [REDACTED], being unable at this time to incur additional obligated active service without potential monetary loss. I agree to an active-duty obligation for 4 months to gain the total OBLISERV required by BUPERS Order [REDACTED] until August 2026. "

g. On 13 October 2022, Petitioner signed an agreement to extend enlistment for 24 months with a SEAOS of 15 April 2026 in order to incur sufficient obligated service to execute BUPERS order [REDACTED].

h. On 5 December 2022, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 14 January 2023 for duty under instruction.

i. On 16 April 2023, Navy Standard Integrated Personnel System (NSIPS)/Electronic Service Record (ESR) shows a 36-month agreement to extend enlistment with an SEAOS of 15 April 2026.

j. In accordance with reference (d) (18 April 2023), FY23 SRB Award Plan (N13 SRB 002/FY23), a Zone "A" SRB with an award level of 3.5 (\$60,000 award ceiling) for the CTN rate was listed.

k. On 10 July 2023, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) with required obligated service to October 2026, while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of August 2023. Petitioner's intermediate (01) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 5 August 2023. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 30 October 2023 with a PRD of October 2026. Obligated service to October 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.

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l. In September 2023, Petitioner was awarded NEC H30A.

m. On 15 September 2023, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 13 October 2023 for duty.

n. 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 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 5 July 2022, Petitioner was issued official change duty orders BUPERS order: [REDACTED] with required obligated service to August 2026 and a graduation date of 3 August 2023. Additionally, a Zone A SRB was authorized for the CTN rate in accordance with reference (b). On 2 August 2022, Petitioner signed an administrative remarks (NAVPERS 1070/613) for 4 months and on 13 October 2022, Petitioner signed an agreement to extend enlistment for 24 months to meet the OBLISERV. At that time, NSIPS reflected a 12 month inoperative extension of enlistment resulting in his SEAOS as 15 April 2024. On 16 April 2023, both extensions became operative, resulting in an SEAOS of 15 April 2026 and making Petitioner ineligible to reenlist for SRB upon graduation. The Board concluded that Petitioner could have signed a NAVPERS 1070/613 vice extension of enlistment. On 3 August 2023, Petitioner would have been eligible to reenlist for 5 years and receive a Zone A SRB.

RECOMMENDATION

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

Petitioner's 24-month agreement to extend enlistment (1070/621) executed on 13 October 2022, is null and void. Note: This established an EAOS of 15 April 2023 and a SEAOS of 15 April 2024.

Petitioner's administrative remarks (NAVPERS 1070/613) executed on 2 August 2022, for the following: "In consideration of assignment to [REDACTED], [REDACTED], being unable at this time to incur additional obligated active service without potential monetary loss. I agree to an active-duty obligation for "28 months" vice "4 months" to gain the total OBLISERV required by BUPERS Order [REDACTED] until August 2026.

Petitioner was discharged on 2 August 2023 and reenlisted, on 3 August 2023 for a term of 5 years.

Note: This change will entitle the member to a zone "A" SRB with an award level of 3.5 (\$60,000 dollar award ceiling) for the CTN rate. Remaining obligated service to 15 April 2024 will be deducted from SRB computation.

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Note: The Board for Correction of Naval Records (BCNR) will not take any action with the Defense Finance and Accounting Service for payment. Petitioner's payment will not be funded by the BCNR's Claims Line of Accounting (LOA). The Navy will secure funding via unexecuted SRB funds and will use their LOA to pay the 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.

4/12/2024

