



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

[REDACTED]
Docket No. 9888-23
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) NAVADMIN 108/20, 15 Apr 20
(c) FY21 SRB Award Plan (N13SRB 002/FY21), 28 Dec 20
(d) FY22 SRB Award Plan (N13SRB 001/FY22), 14 Feb 22

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by OCNO N133D, 28 Sep 23
(3) Advisory opinion by NPC memo 1160 Ser B328/191, 26 Nov 23
(4) 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 cancel operative/non-operative extension and show that Petitioner reenlisted on 6 May 2022 for 3 years and was eligible for and received a Zone B Selective Reenlistment Bonus (SRB).

2. The Board, consisting of [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 19 March 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 this 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 allegations of error and injustice finds as follows:

a. On 5 May 2015, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 4 May 2019 and Soft EAOS (SEAOS) of 4 May 2021: "Training in the Nuclear Field. MILPERSMAN 1510-030 and MILPER5MAN 1300-500, 1300-502, and 1300-504 (NF) are governing directives. Advancement to Rate and Grade per MILPERSMAN 1430-010. I understand that this extension of active service becomes binding upon execution, and thereafter may not be cancelled, except as set forth in MILPERSMAN 1160-040 and 1510-030.

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In particular, I understand that when I accept advancement to E4, 12 months of this agreement may not be cancelled whether or not I complete Nuclear Power or Advanced Training.”

- b. On 30 June 2017, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 28 July 2017 for duty.
- c. On 22 December 2017, Petitioner got married.
- d. On 23 March 2018, Petitioner reenlisted for 6 years with an EAOS of 22 March 2024 and received a Zone A SRB.
- e. In September 2019, Petitioner was awarded Navy Enlisted Classification (NEC) N14S and 7666A.
- f. In accordance with reference (b), this NAVADMIN announced revised SRB policy for Active Component and Full Time Support, superseding NAVADMIN 272/19. Sailors must now have reenlisted within 365 days of their EAOS (as opposed to 270 days required in NAVADMIN 272/19), except in the case of Nuclear-trained Sailors who could have reenlisted at any point in the reenlistment zone, per guidance in OPNAVINST 1160.8B.
- g. In accordance with reference (c), FY21 SRB Award Plan (N13SRB 002/FY21), a Zone “B” SRB with an award level of 7.0 (\$100,000 award ceiling) for the EMN(SS)/N14O/S rate/NEC was listed.
- h. On 17 February 2021, Petitioner was issued official change duty orders (BUPERS order: 0481) with required obligated service to August 2024, while stationed in [REDACTED] with an effective date of departure of July 2021. Petitioner’s ultimate activity was [REDACTED] for duty with an effective date of arrival of 19 August 2021 with a Projected Rotation Date of August 2024. Obligated service to August 2024 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.
- i. On 5 May 2021, Petitioner entered Zone B.
- j. In June 2021, Petitioner was awarded NEC N33Z.
- k. On 8 July 2021, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 30 July 2021 for duty.
- l. On 26 August 2021, Petitioner’s Master Military Pay Account shows that Petitioner’s Submarine Pay stopped.

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m. On 17 September 2021, Petitioner signed an Agreement to extend enlistment for 5 months with a SEAOS of 22 August 2024 in order to incur sufficient obligated service to execute BUPERS order 0481.

n. On [REDACTED], Petitioner's first child was born.

o. In accordance with reference (d), FY22 SRB Award Plan (N13SRB 001/FY22), a Zone "B" SRB with an award level of 8.5 (\$100,000 award ceiling) for the EMN(SS)/N14O/S rate/NEC was listed.

p. On [REDACTED], Petitioner's second child was born.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that on 17 February 2021, Petitioner was issued BUPERS order: 0481 with required obligated service to August 2024. At that time, a Zone B SRB was authorized in accordance with reference (b), however Petitioner was still in Zone A. On 5 May 2021, Petitioner entered Zone B. On 17 September 2021, Petitioner signed an agreement to extend enlistment for 5 months to meet the OBLISERV. The Board determined that Petitioner should have signed a NAVPERS 1070/613 vice extension of enlistment. On 6 May 2022, Petitioner would have been eligible to reenlist for 3 years and receive a Zone B SRB.

RECOMMENDATION

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

Petitioner's 5-month agreement to extend enlistment (NAVPERS 1070/621) executed on 17 September 2021 is null and void.

Petitioner executed an Administrative Remarks (NAVPERS 1070/613) on 17 September 2021 agreeing to extend enlistment for 5 months for OBLISERV to August 2024.

Petitioner was discharged 5 May 2022 and reenlisted on 6 May 2022 for a term of 3 years.

Note: This change will entitle Petitioner to a Zone "B" SRB with an award level of "8.5" (\$100,000 award ceiling) for the EMN(SS)/N14S. Remaining obligated service to 22 March 2024 will be deducted from SRB computation. Furthermore, that any other entries affected by the Board's recommendation be corrected.

The Board for Correction of Naval Records (BCNR) will not take any action with the Defense Finance and Accounting Service (DFAS) for the SRB payment. Petitioner's SRB payment will not be funded by the BCNR's Claims Line of Accounting (LOA).

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[REDACTED] at N133D has secured funding via unexecuted SRB funds and will use their LOA to pay the SRB payment, and will coordinate directly with the DFAS to determine Petitioner's incentive. Contact the Assistant Nuclear Enlisted Program Manager, N133D, [REDACTED]. concerning 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.

3/25/2024

