



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

[REDACTED]
Docket No. 9914-23
Ref: Signature Date

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
(b) FY23 SELRES Enlisted Recruiting and Retention Incentives Program
(c) FY24 SELRES Enlisted Recruiting and Retention Incentives Program
(d) RESPERSMAN 1100-020, Reserve Enlisted Incentives

Encl: (1) DD Form 149 w/attachments
(2) Marine Corps Total Force System – TBIR Screen
(3) Marine Corps Total Force System – D600 Screen
(4) DD Form 368, Request for Conditional Release
(5) DD Form 4, Enlistment/Reenlistment Document, 12 Nov 20
(6) History of Assignments, 3 May 24
(7) Drilling Reservist Worksheet (Reenlistment/Extension), 23 Aug 23
(8) NAVPERS 1070/601, Immediate Reenlistment Contract, 16 Sep 23
(9) NAVRES Incentive Agreement 1-3, Written Agreement for the Navy Reserve
Reenlistment/Extension Bonus, 16 Sep 23
(10) Advisory Opinion by CNRFC (N1), 9 Jan 24

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 the 16 September 2023 reenlistment contract due to being ineligible for the Fiscal Year 2023 Reserve Selective Retention Bonus (SRB).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 9 May 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. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 21 September 2015, Petitioner entered the Marine Corps, establishing his Pay Entry Base Date and served on active duty through 20 September 2020. Thereafter, Petitioner transferred to the Marine Corps Reserve Individual Ready Reserve to complete his military service obligation. See enclosures (2) and (3).

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b. On 22 September 2020, Petitioner's request for conditional release from the Marine Corp was approved. See enclosure (4).

c. On 12 November 2020, Petitioner enlisted in the Navy Reserve for 4 years and affiliated with Fleet Logistics Support Squadron 64. See enclosures (5) and (6).

d. On 23 August 2023, Petitioner requested to reenlist for 6 years in the Navy Reserve and indicated on his request that he was eligible for a Tier 1, \$20,000 SRB; the entire chain-of-command approved the request. See enclosure (7).

e. On 16 September 2023, Petitioner reenlisted for 6 years and signed NAVRES Incentive Agreement 1-3, Written Agreement for the Navy Reserve Reenlistment/Extension Bonus indicating eligibility for a Tier 1, \$20,000 SRB; the form was signed by the designated Navy Career Counselor Chief. See enclosures (8) and (9).

f. On 9 January 2024, Commander, Navy Reserve Forces Command (CNRFC) provided an advisory opinion (AO) to enclosure (1) erroneously indicating the case file "does not include any evidence indicating the member was misinformed by his chain of command regarding the eligibility for a reenlistment bonus or an injustice occurred prior to the member reenlisting." Therefore, CNRFC concluded there was no evidence warranting an adjustment or cancellation of Petitioner's reenlistment. However, the AO further stated, "if the board adjusts the members EREN [expiration of reserve enlistment], COMNAVRESFORCOM N1 cannot guarantee a Selective Retention Bonus for a future fiscal year." See enclosure (10).

BOARD CONCLUSION

Upon careful review and consideration of all the evidence of record, the Board found sufficient evidence of an injustice warranting relief.

The Board did not believe the AO properly addressed enclosure (1) based on enclosures (7), (8), and (9) which provided clear evidence that Petitioner believed that he would receive a bonus upon reenlisting. The Board agreed with the AO, "if the board adjusts the members EREN" that there is no guarantee a SRB for future fiscal year. Therefore, the Board concluded that had Petitioner received adequate counseling regarding his ineligibility for a SRB in accordance with references (b), (c), and (d),¹ he would not have reenlisted prior to Fiscal Year 2025. Therefore, the Board determined that under this circumstance, relief is warranted.

BOARD RECOMMENDATION

In view of the above, the Board recommends that the following corrective action be taken on Petitioner's naval record:

¹ References (b) and (c), Reserve enlisted incentive specific guidance related to include service obligations, eligibility and application procedures are found in reference (d). Reference (b) specified that Sailors in the Naval Aircrewman Mechanical (AWF) rating that reenlisted for 6 years within Zones, A, B, and C were eligible for a Tier 1, \$20,000 SRB with an initial payment of \$10,000 and five anniversary payments of \$2,000. Reference (c) indicates that Sailors in the AWF rating are eligible for a Tier 1, \$20,000 SRB with an initial payment of \$10,000 and two anniversary payments of \$5,000. Reference (d) states the criterion for enlisted personnel to receive an SRB includes the member will reenlist in the same fiscal year as their end of obligated service.

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Petitioner's NAVPERS 1070/601, Immediate Reenlistment Contract dated 16 September 2023 for 6 years is null and void. Note: This action will revert Petitioner's end of obligated service to 11 November 2024.

That a copy of this report of proceedings 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 titled 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.

5/31/2024

