



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

██████████
Docket No. 91-24
Ref: Signature Date

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Dear ████████████████████,

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 28 March 2024. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies. In addition, the Board considered the advisory opinion contained in Community Management Support Branch memorandum 1160 Ser B328/001 of 3 January 2024, which was previously provided to you for comment.

On 3 August 2016, you entered active duty. In March 2018, you were awarded Navy Enlisted Classification (NEC) N250. On 2 April 2018, you transferred from ████████████████████, and arrived to ████████████████████ on 18 April 2018 for duty.

In accordance with MILPERSMAN 1306-964, published on 19 April 2018, in computing the tour length for recruiting duty/ the tour must commence on the date the member reports to the NRD (parent command), even though the member may receive a different assignment upon reporting and ultimately be assigned to a local recruiting activity. Overseas recruiting tour lengths are established per Department of Defense area tour requirements.

The tour length for nuclear qualified members will be computed from the date they are detached from their present command to ensure they are not out of the nuclear field for more than 36 months.

On 12 October 2018, you reenlisted for 6 years with an End of Active Obligated Service (EAOS) of 11 October 2024.

On 18 November 2021, you were issued official change duty orders (BUPERS order: 3221) with required obligated service to April 2025, while stationed in ██████████ with an effective date of departure of April 2022. Your intermediate (01) activity was ██████████ for temporary duty under instruction with an effective date of arrival of 16 April 2022. Your ultimate activity was ██████████ for duty with an effective date of arrival of 20 June 2022 with a Projected Rotation Date (PRD) of April 2025. Obligated service to April 2025 is required for this assignment which can be satisfied by reenlistment or extension of reenlistment. OBLISERV must be obtained within 30 days of issuance of orders and prior to transfer.

On 14 March 2022, you signed an agreement to extend enlistment for 6 months with an Soft EAOS of 11 April 2025 in order to incur sufficient obligated service to execute BUPERS order 3221. On 14 April 2022, you transferred from ██████████, and arrived to ██████████ on 16 April 2022 for temporary duty. In May 2022, you were awarded NEC 803R. On 22 May 2022, you transferred from ██████████, and arrived to ██████████ on 20 June 2022 for duty.

On 3 November 2023, you were issued official change duty orders (BUPERS order: 3073) while stationed in ██████████ with an effective date of departure of November 2023. Your ultimate activity was ██████████ for duty with an effective date of arrival of 30 November 2023 with a PRD of April 2025. On 1 December 2023, you transferred from ██████████, and arrived to ██████████ on 1 December 2023 for duty.

You requested cancellation of your 6-month extension, the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that your orders did not mention the MILPERSMAN1306-964 or the exception for nuclear recruiters and as a Nuclear Recruiter, you were not required to obligate. However, the Board concluded that on 18 November 2021, you were issued BUPERS order: 3221 with required obligated service to April 2025. Furthermore, you were required to obligate within 30 days and prior to transfer. Although you did not obligate within 30 days of issuance of orders, you did sign an extension of enlistment for 6 months to meet the OBLISERV prior to your transfer from ██████████ on 14 April 2022. In accordance with MILPERSMAN 1306-964, the exception for nuclear sailors is not that they do not have to obligate service, only that their tour length is computed from the date they detach from their present command, unlike other sailors whose tour lengths are computed from the date they check into their new command. The Board determined that your orders were written in compliance with MILPERSMAN 1306-964 and your extension of enlistment to complies with your orders. Because you executed those orders, no change to your record is warranted. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not

previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

4/3/2024

