

DEPARTMENT OF THE NAVY

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

> Docket No. 1922-24 Ref: Signature Date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO , USN,

Ref: (a) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/attachments

(2) Advisory opinion by NRC ltr 1133 Ser N35, 3 May 24

(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 enlisted on 25 June 2020 for a term of 4 years and a 2-year extension vice 6 years reflecting End of Active Obligated Service (EAOS) of 23 August 2024 and Soft EAOS (SEAOS) of 23 August 2026.
- 2. The Board, consisting of ______, and _____ reviewed Petitioner's allegations of error and injustice on 19 September 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 25 June 2020, Petitioner enlisted in the U.S. Naval Reserve for 8 years of which 6 years is considered an active duty obligation and 2 years be served in the reserve component. Furthermore, Petitioner signed an Enlistment Guarantees (NAVCRUIT 1133/52) listing the following acknowledgement: "In connection with my enlistment into the United States Navy (Active) Component, I acknowledge that I am enlisting for a total Military Service Obligation (MSO) of 8 years. I fully understand and acknowledge that my MSO consists of an active-duty obligation of 6 years as indicated in the options listed below with the remaining months 24 of my MSO served in the Individual Ready Reserve (IRR). I understand my contract has the following guaranteed options which require the indicated active-duty service obligation(s): Option 1: ADVANCED ELECTRONICS FIELD MISSILE TECHNICIAN SUBMARINE (AEF/MT 6YO) PROGRAM (SUBVOL) requires 4 years active duty obligation and a voluntary extension

of 24 months to meet the rating, school, and program guarantee active duty obligation requirement.; Option2: \$15,000 Bonus ENLISTMENT BONUS FOR SOURCE RATE (EBSR); Option 3: ENLISTMENT BONUS FOR SHIPPING (EBSHP) \$4,000 Bonus; and Option 4: ENLISTMENT BONUS FOR RTC PFA (EBPFA) \$2,000 Bonus."

- b. On 24 August 2020, Petitioner entered active duty for 4 years with an EAOS of 23 August 2024 and SEAOS of 23 August 2026.
- c. On 15 August 2024, Force Career Counselor (N171) Commander, Submarine Force, U.S. Pacific Fleet notified this Board that "[k]indly request the following pending BCNR case CANCELLED. We were able to complete record correction via internal PERS channels."
- d. On 23 August 2024, Petitioner reenlisted for 6 years with an EAOS of 22 August 2030 and received a Zone A SRB.
- e. In the advisory opinion, 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 error warranting the following corrective action. The Board concluded that when Petitioner entered active duty his contract incorrectly reflected a 6 year's active duty obligation vice 4 years, and a voluntary extension of 24 months. Although a record correction was made by the Navy, the Board determined that Petitioner's record still contains an erroneous contract that should be corrected.

RECOMMENDATION

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

Petitioner's Enlistment/Reenlistment Document Armed Forces of The United States (DD Form 4/1) listed the following: "B. I am enlisting/reenlisting in the United States (list branch of service) NAVAL RESERVE this date for 8 years and 0 weeks beginning in pay grade E-1 of which "4" vice "6" years and 0 weeks is considered an Active Duty Obligation, and "4" vice "2" years and 0 weeks will be served in the Reserve Component of the Service in which I have enlisted..."

Note: The above change will not affect Petitioner's present EAOS and SEAOS.

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.

9/26/2024