

DEPARTMENT OF THE NAVY

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

> Docket No. 2591-24 Ref: Signature Date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO , USN,

XXX-XX-

Ref: (a) Title 10 U.S.C. § 1552

(b) NAVADMIN 129/19, 11 Jun 19

(c) NAVADMIN 108/20, 15 Apr 20

(d) FY21 SRB Award Plan (N13SRB 003/FY21), 19 Feb 21

Encl: (1) DD Form 149 w/attachments

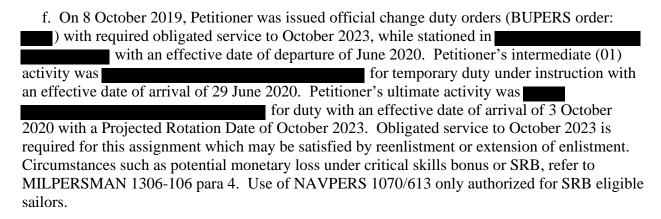
(2) Advisory opinion by OCNO N133D, 28 Sep 23

(3) Subject's naval record

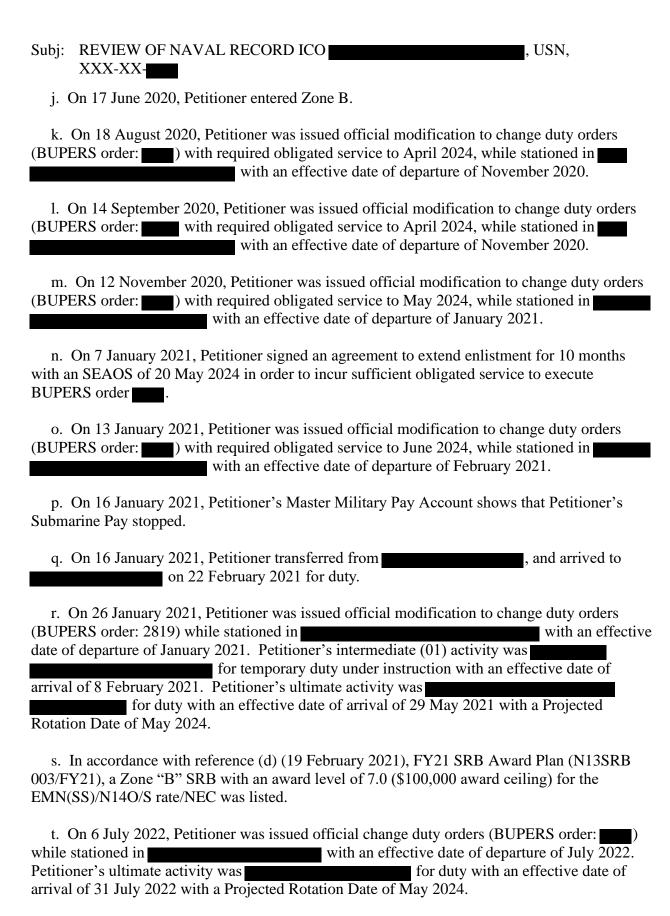
- 1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to cancel operative/non-operative extension and show that Petitioner reenlisted on 21 June 2021 for 3 years and was eligible for and received a Zone B Selective Reenlistment Bonus (SRB).
- 2. The Board, consisting of and and reviewed Petitioner's allegations of error and injustice on 7 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. 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 17 June 2014, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 16 June 2018 and Soft EAOS (SEAOS) of 16 June 2020; "Training in the Nuclear Field Program, and advancement to E4 per MILPERSMAN Articles 1160-040 and 1510-030. I understand that this extension becomes binding upon execution, and thereafter may not be cancelled, except as set forth in MILPERSMAN Article 1160-040. 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."

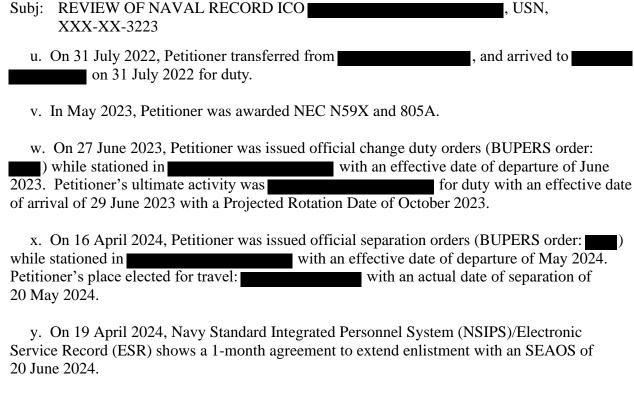
| Subj: | REVIEW OF NAVAL RECORD ICO | , USN, |
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| b. | On 13 May 2016, Petitioner transferred from on 10 June 2016 for duty. | , and arrived to |
| | 0 0471 0047 0 11 | |

- c. On 21 July 2017, Petitioner reenlisted for 6 years with an EAOS of 20 July 2023 and received a Zone A SRB.
- d. In April 2018, Petitioner was awarded Navy Enlisted Classification (NEC) N54Z and 766A. In November 2018, Petitioner was awarded NEC N14S.
- e. In accordance with reference (b) was published on 11 June 2019 and announced revised SRB award levels and reenlistment policy for Active Component (AC) and Full-Time Support, superseding NAVADMIN 305/18. Increased award levels were effective immediately and decreased levels were effective 30 days after the release of this NAVADMIN. Sailors must have reenlist within 180 days of their EAOS, except in the following cases: a. Nuclear-trained Sailors. Commands were required to submit SRB reenlistment requests to BUPERS-328 via Officer Personnel Information System or Navy Standard Integrated Personnel System 35 to 120 days in advance of the requested reenlistment date of the Sailor. Requests submitted less than 35 days prior to the requested reenlistment date would be rejected. However, commands could have contacted BUPERS-328 for waiver eligibility and procedures. Sailors must have had an approved SRB request before reenlisting. Furthermore, a Zone "B" SRB with an award level of 7.0 (\$100,000 award ceiling) for the EMN(SS)/N14S rate/NEC was authorized.



- g. In November 2019, Petitioner was awarded NEC N33Z.
- h. In accordance with reference (c), 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.
- i. On 4 May 2020, Petitioner was issued official modification to change duty orders (BUPERS order:) with required obligated service to January 2024, while stationed in with an effective date of departure of August 2020.





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 8 October 2019, Petitioner was issued BUPERS order: with required obligated service to October 2023. At that time, a Zone B SRB was authorized in accordance with reference (c), however Petitioner was still in Zone A. On 17 June 2020, Petitioner entered Zone B. On 7 January 2021, Petitioner signed an agreement to extend enlistment for 10 months to meet the OBLISERV. On 13 January 2021, Petitioner was issued official modification to BUPERS order: 2819 with required obligated service to June 2024. On 19 April 2024, NSIPS/ESR shows a 1-month agreement to extend enlistment to meet the OBLISERV. The Board determined that Petitioner should have signed a NAVPERS 1070/613 vice extension of enlistment. On 21 June 2021, 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 10-month agreement to extend enlistment (NAVPERS 1070/621) executed on 7 January 2021 is null and void.

Petitioner's 1-month agreement to extend enlistment (NAVPERS 1070/621) operative on 21 May 2024 is null and void.

Petitioner executed an Administrative Remarks (NAVPERS 1070/613) on 7 January 2021 agreeing to extend enlistment for 10 months for OBLISERV to May 2024.

Petitioner was discharged 20 June 2021 and reenlisted on 21 June 2021 for a term of 3 years.

Note: This change will entitle Petitioner to a Zone "B" SRB with an award level of "7.0" (\$100,000 award ceiling) for the EMN(SS)/N14S, rating/NEC. Remaining obligated service to 20 July 2023 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 <u>not</u> take any action with the Defense Finance and Accounting Service (DFAS) for the SRB payment. Petitioner's SRB payment will <u>not</u> be funded by the BCNR's Claims Line of Accounting (LOA). ________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, ________. 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.

