



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

██████████
Docket No. 2594-24
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 108/20, 15 Apr 20
(c) FY20 SRB Award Plan (N13SRB 003/FY20), 30 Apr 20
(d) FY20 SRB Award Plan (N13SRB 004/FY20), 20 Aug 20

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 20 August 2020 for 4 years and was eligible for and received a Zone B Selective Reenlistment Bonus (SRB), and was eligible to transfer education benefits to his dependents.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 21 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 6 August 2014, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 5 August 2018 and Soft EAOS (SEAOS) of 5 August 2020, "[t]raining in the Nuclear Field program and advancement to E-4, per BUPERSINST 1036.78 and MILPERSMAN training in the nuclear field program and advancement to E-4, per BUPERSINST 1036.78 and MILPERSMAN not be cancelled, except as set forth in MILPERSMAN 1160-040. In particular, I understand that, when I accept advancement to E-4, 12 months of this agreement may not be canceled, whether or not I complete nuclear power or advanced training."

b. On 17 November 2016, Petitioner transferred from ██████████, and arrived to ██████████ on 31 December 2016 for duty.

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c. On 20 December 2017, Petitioner reenlisted for 6 years with an EAOS of 19 December 2023 and received a Zone A SRB.

d. In November 2019, Petitioner was awarded Navy Enlisted Classification (NEC) N16S.

e. 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.

f. In accordance with reference (c), FY20 SRB Award Plan (N13SRB 003/FY20), a Zone "B" SRB with an award level of 7.0 (\$100,000 award ceiling) for the MMN(SS)/N16O/S rate/NEC was listed.

g. In June 2020, Petitioner was awarded NEC N33Z.

h. On 18 June 2020, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) with required obligated service to April 2024, while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of November 2020. Petitioner's intermediate (01) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 14 December 2020. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 3 April 2021 with a Projected Rotation Date of April 2024. Obligated service to April 2024 is required for this assignment which may be satisfied by reenlistment or extension of enlistment.

i. On 6 August 2020, Petitioner entered Zone B.

j. In accordance with reference (d), FY20 SRB Award Plan (N13SRB 004/FY20), a Zone "B" SRB with an award level of 7.0 (\$100,000 award ceiling) for the MMN(SS)/N16O/S rate/NEC was listed.

k. On 15 September 2020, Petitioner was issued official modification to change duty orders (BUPERS order: [REDACTED]) with required obligated service to May 2024, while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of December 2020. Petitioner's intermediate (01) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 11 January 2021. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 1 May 2021 with a Projected Rotation Date of May 2024.

l. On 13 January 2021, Petitioner was issued official modification to change duty orders (BUPERS order: [REDACTED]) with required obligated service to June 2024, while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of February 2021. Petitioner's intermediate (01) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 8 March 2021. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 26 June 2021 with a Projected Rotation Date of June 2024.

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m. On 27 January 2021, Petitioner signed an agreement to extend enlistment for 2 months with a SEAOS of 19 June 2024 in order to incur sufficient obligated service to execute BUPERS order [REDACTED]. Subsequently, the total aggregate months listed 6.

n. On 8 February 2021, Petitioner's Master Military Pay Account shows that Petitioner's Submarine Pay stopped.

o. On 8 February 2021, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 19 March 2021 for temporary duty.

p. On 29 May 2021, Petitioner got married.

q. On 26 June 2021, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 26 June 2021 for duty.

r. In August 2021, Petitioner was awarded NEC 805A.

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 partial corrective action. The Board concluded that on 18 June 2020, Petitioner was issued BUPERS order: [REDACTED] with required obligated service to April 2024. At that time, a Zone B SRB was authorized in accordance with reference (c), however Petitioner was still in Zone A. On 6 August 2020, Petitioner entered Zone B. On 15 September 2020, Petitioner was issued official modification to BUPERS order: [REDACTED] with required obligated service to May 2024. On 13 January 2021, Petitioner was issued official modification to BUPERS order: [REDACTED] with required obligated service to June 2024. On 27 January 2021, Petitioner signed a 6-month agreement to extend enlistment to meet the OBLISERV. The Board determined that Petitioner could have reenlisted upon entering Zone B in accordance with reference (b). On 20 August 2020, Petitioner would have been eligible to reenlist for 4 years and receive a Zone B SRB. Regarding Petitioner's request to be eligible to transfer education benefits to his dependents, the Board found that Petitioner had no dependents on the requested reenlistment date of 20 August 2020, therefore is not eligible to transfer education benefits in connection with this reenlistment.

RECOMMENDATION

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

Petitioner's 2-month agreement to extend enlistment (NAVPERS 1070/621) executed on 27 January 2021 is null and void.

Petitioner was discharged 19 August 2020 and reenlisted on 20 August 2020 for a term of 4 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 MMN(SS)/N16S, rating/NEC. Remaining obligated service to 19 December 2023 will be deducted from SRB computation. Furthermore, that any other entries affected by the Board's recommendation be corrected.

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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). [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], [REDACTED] concerning SRB payment.

That no further changes be made to Petitioner's naval record.

That 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.

5/25/2024

