



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

[REDACTED]
Docket No. 2821-24
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN, XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) OPNAVINST 1160.8B, 1 Apr 19

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by CMSB memo 1160 Ser B328/046, 27 Mar 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 13 months of extension were cancelled and his Soft End of Active Obligated Service (SEAOS) reflects July 2026.
2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 3 October 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 24 February 2020, Petitioner enlisted in the U.S. Naval Reserve for 8 years with an Expiration of Obligated Service of 23 February 2028.
 - b. On 22 July 2020, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 21 July 2024.
 - c. On 22 July 2020, Petitioner's signed a 24-month agreement to extend enlistment (NAVPERS 1070/621) with a SEAOS of 21 July 2026 for training in the Naval Special Warfare/Naval Special Operations Challenge Program and accelerated advancement to paygrade E-4 per MILPERSMAN articles 1160-040 and 1430-010.
 - d. On 11 August 2020, Petitioner's signed a 12-month agreement to extend enlistment (NAVPERS 1070/621) with a SEAOS of 21 July 2025 for training in the Advanced Technical Field (ATF).

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN, XXX-XX-[REDACTED]

e. On 11 August 2020, Petitioner's signed a 12-month agreement to extend enlistment (NAVPERS 1070/621) with a SEAOS of 21 July 2026 for advancement to rate and grade per MILPERSMAN 1430-010.

f. On 26 August 2020, Petitioner was issued official change duty orders (BUPERS orders [REDACTED]) while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of September 2020. Petitioner's intermediate (01) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 26 September 2020.

On 13 November 2020, Petitioner was issued a modification to orders 2390 with an intermediate (01) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 19 September 2020, intermediate (02) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 26 September 2020, and an intermediate (03) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 28 November 2020.

On 30 December 2020, Petitioner was issued another modification to orders 2390 with an intermediate (03) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty with an effective date of arrival of 29 November 2020, intermediate (04) activity was [REDACTED]-[REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 7 December 2020, and an intermediate (05) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 6 February 2021.

g. On 28 April 2021, [REDACTED] issued Petitioner an Administrative Remarks (NAVPERS 1070/613) listing the following: "Member voluntarily dropped from BUDS training class 348 on 27 APR 21. Based on the decision of the Suitability Review Board; member may reapply for further BUD/s or SWCC training after a minimum of TWO (2) years, however acceptance back into the training will be based on the needs of the community and members length of service at the time of submission."

"Completed 11 weeks of "under instruction" training."

"No additional OBLISERV for completed training is required."

h. On 10 May 2021, Petitioner signed a Professional Apprenticeship Career Track (PACT) Program Enlistment Guarantees (NAVCRUIT 1133/53) listing the following acknowledgement: "ACKNOWLEDGEMENT: In connection with my enlistment into the United States Navy, I hereby acknowledge that: a. I am enlisting into the U.S. Navy for an active-duty period of four (4) years. I am enlisting with the following guarantees and understanding: Option (1) Airman professional Apprenticeship Career Track."

i. On 21 May 2021, Petitioner was issued another modification to orders 2390 with an intermediate (01) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 19 September 2020, intermediate (02) activity was [REDACTED]-[REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 26 September 2020, intermediate (03) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty with an effective date of arrival of 29 November 2020, intermediate (04) activity was [REDACTED]-

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN, XXX-XX-[REDACTED]

[REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 7 December 2020, intermediate (05) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 6 February 2021, intermediate (06) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty with an effective date of arrival of 27 March 2021, and an intermediate (07) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 12 June 2021. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 12 July 2021 with a projected rotation date (PRD) of July 2023.

j. On 6 June 2021, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 12 June 2021 for temporary duty and transferred on 13 July 2021 and arrived to [REDACTED] on 25 July 2021 for duty.

k. On 24 April 2023, Petitioner was issued official change duty orders (BUPERS orders [REDACTED]) with required obligated service to August 2027, while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of July 2023. Petitioner's intermediate (01) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 19 August 2023. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty under instruction with an effective date of arrival of 25 November 2023 with a PRD of October 2024.

l. On 28 April 2023, Petitioner signed a command career request (NPPSC 1160/1) requesting a 37-month extension in order to obligate service for orders. Petitioner's request was approved 1 May 2023 by cognizant authority.

m. On 1 May 2023, Petitioner's signed a 37-month agreement to extend enlistment (NAVPERS 1070/621) with a SEAOS of 21 August 2027 to incur sufficient obligated service to execute BUPERS orders 1143 of 23 April 2024.

n. On 31 July 2023, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 14 August 2023 for duty under instruction.

o. On 17 October 2023 [REDACTED] issued Petitioner an Administrative Remarks (NAVPERS 1070/613) listing the following: "Member voluntarily dropped from BUDS training class 363 on 17 OCT 23. Based on the decision of the Suitability Review Board; member may reapply for further BUD/s or SWCC training after a minimum of TWO (2) years, however acceptance back into the training will be based on the needs of the community and members length of service at the time of submission."

"Completed 08 weeks of "under instruction" training."

"18-month additional OBLISERV for completed training is required."

p. On 25 January 2024, Director, Military Community Management (BUPERS-3) notified Petitioner via Commanding Officer, STUDENT NSW BASIC SEAL-SWCC TRAINING that, "[p]er reference (a), you are authorized advancement to the paygrade of E-4 via the Professional Apprenticeship Career Track (PACT) Program with your Commanding Officer or Officer-in-Charge (CO/OIC) endorsement. The following guidelines pertain:

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN, XXX-XX-[REDACTED]

Effective date of advancement will be the same date the member incurs the required obligated service via extension of enlistment or reenlistment. If required. Command must send Designation/Advancement ltr to askmncc (at)navy.mil to remove HYT gate. The date of advancement will be no earlier than: 16 February 2024. Rating designation: AZ. Effective date of rating designation no earlier than: 01 February 2024. Required obligated service to: July 2026.”

q. On 16 February 2024, STU NSW BASIC SEAL/SWCC TRNG issued Petitioner an Administrative Remarks (NAVPERS 1070/613) listing the following: “16FEB2024: I agree to accept accelerated advancement to AZ3 when eligible. I understand I must incur sufficient active obligated service (JUL2026) active service in the Navy upon expiration of my current enlistment or enlistment as extended and reservists, an extension of active duty per MILPERSMAN 1430-010. I must complete/meet all other advancement requirements (except TIR) and be recommended by my commanding officer.”

r. On 16 February 2024, Petitioner was advanced to AZ3/E-4.

s. On 4 March 2024, Petitioner was issued official change duty orders (BUPERS orders [REDACTED]) while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of April 2024. Petitioner’s ultimate activity was [REDACTED], [REDACTED] ([REDACTED]), [REDACTED] for duty with an effective date of arrival of 15 May 2024 with a PRD of January 2027.

t. On 29 April 2024, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 15 May 2024 for temporary duty and transferred on 2 July 2024 and arrived to [REDACTED] on 2 July 2024 for duty.

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 24 April 2023, Petitioner was issued BUPERS orders [REDACTED] with required obligated service to August 2027 and had him attending [REDACTED] training; earning a qualifying skill set for Selective Reenlistment Bonus upon his graduation of 4 October 2024 (at that time, Petitioner’s EAOS was 21 July 2024). Petitioner was advised to extend enlistment for 37 months to meet the obligated service. However, in accordance with reference (b),¹ Petitioner should have been advised to extend enlistment for 3 months and place the remaining 34 months on NAVPERS 1070/613. Petitioner withdrew from BUDS and incurred an 18-month obligation which would have taken his SEAOS to 21 April 2026. Petitioner reclassified via the PACT Program with obligated service to July 2026.

¹ A member who receives orders to attend training to gain a qualifying SRB NEC but lacks the required obligated service to complete training may apply for OTT. To be eligible to apply for OTT, completion of the requested school must occur after the current inoperative extension (i.e., SEAOS). If approved for OTT, the member will be allowed to extend enlistment through the school graduation date. The member must agree to obligate service to meet graduation date for the SRB rating, NEC, or skill and then reenlist after the new rating, NEC, or skill is attained or rating conversion is completed. The new rating, NEC, or skill must be designated for award of an SRB at the time of the OTT agreement. Commands must forward all OTT requests to NAVPERSCOM, Active Enlisted Programs Branch (PERS-811) using the prescribed method. PERS-811 will provide an OTT approval letter to the command stating the qualifying NEC, current SRB award level, and applicable SRB NAVADMIN.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN, XXX-XX-[REDACTED]

RECOMMENDATION

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

Petitioner's agreement to extend enlistment (NAVPERS 1070/621) executed on 1 May 2023 was for a term of "3 months via the Obligated Service To Train (OTT)" vice 37 months. Note: This established an EAOS of 21 July 2024 and SEAOS of 21 October 2024.

Petitioner executed an administrative remark (NAVPERS 1070/613) on 1 May 2023 agreeing to extend enlistment for 34 months for obligated service to August 2027.

Petitioner executed an agreement to extend enlistment (NAVPERS 1070/621) on 17 October 2023 for a period of 18 months. Note: This established an EAOS of 21 July 2024 and SEAOS of 21 April 2026.

Petitioner executed an agreement to extend enlistment (NAVPERS 1070/621) on 25 January 2024 for a period of 3 months. Note: This established an EAOS of 21 July 2024 and SEAOS of 21 July 2026.

Note: That any other entries affected by the Board's recommendation be corrected.

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 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.

10/10/2024

