



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

[REDACTED]
Docket No. 2890-24
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) NAVADMIN 108/20, 15 Apr 20
(c) FY21 SRB Award Plan (N13SRB 001/FY21), 28 Oct 20
(d) FY22 SRB Award Plan (N13SRB 001/FY22), 14 Feb 22

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 15 February 2022 for 3 years, was eligible for and received a Zone B Selective Reenlistment Bonus (SRB).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 18 June 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 10 February 2015, Petitioner entered active duty for 4 years with an end of active obligated service (EAOS) of 9 February 2019 and Soft EAOS (SEAOS) of 9 February 2021, which Petitioner accepted that "[t]raining in the Nuclear Field program, and advancement to E-4, per BUPERSINST 1306.78 and MILPERSMAN 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 1160-040. In particular, I understand that, when I accept advancement to E-4, 12 months of this agreement may not be cancelled, whether or not I complete nuclear power or advanced training."

b. On 20 January 2017, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 21 February 2017 for duty. Petitioner transferred from [REDACTED] on 9 May 2017 and arrived to [REDACTED] on 10 May 2017 for duty.

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c. On 13 December 2017, Petitioner reenlisted for 6 years with an EAOS of 12 December 2023 and received a Zone "A" SRB.

d. On 15 April 2020 reference (b) was published and announced revised SRB policy for active component and full time support, superseding NAVADMIN 272/19. Stating that 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.

e. In September 2020, Petitioner was awarded Navy Enlisted Classification (NEC) N24S.

f. On 21 October 2020, Petitioner was issued official 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 (PRD) of June 2024. Obligated service to June 2024 was required for the assignment which could be satisfied by reenlistment or extension of enlistment. Circumstances such as potential monetary loss under critical skills bonus or SRB should be referred to MILPERSMAN 1306-106 para 4. Use of NAVPERS 1070/613 only authorized for SRB eligible Sailors.

g. 28 October 2020 reference (c) was published for FY21 SRB Award Plan (N13SRB 001/FY21) with a Zone "B" SRB with an award level of 7.5 (\$100,000 award ceiling) for the EMN(SW) N24O/S, rate/NEC.

h. On 6 November 2020, Petitioner was issued official 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 PRD of June 2024. Obligated service to June 2024 was required for this assignment which could be satisfied by reenlistment or extension of enlistment. Circumstances such as potential monetary loss under critical skills bonus or SRB should be referred to MILPERSMAN 1306-106 para 4. Use of NAVPERS 1070/613 only authorized for SRB eligible Sailors.

On 16 December 2020, Petitioner was issued official modification to change duty orders (BUPERS order: [REDACTED]) with an effective date of departure of *February 2021*. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of *26 June 2021* and PRD of *December 2023*.

i. In December 2020, Petitioner was awarded NEC 825A.

j. On 10 February 2021, Petitioner entered Zone B and transferred from [REDACTED] on 15 February 2021 and arrived to [REDACTED] on 19 March 2021 for temporary duty.

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

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l. In July 2021, Petitioner was awarded NEC 805A.

m. On 14 February 2022 reference (d) was published for FY22 SRB Award Plan (N13SRB 001/FY22) with a Zone "B" SRB with an award level of 8.5 (\$100,000 award ceiling) for the EMN(SW)/N24O/S, rate/NEC was listed.

n. On 13 June 2022, the Navy Standard Integrated Personnel System/Electronic Service Record displayed an 8-month agreement to extend enlistment with an SEAOS of 12 August 2024.

o. On 10 February 2024, Petitioner was married.

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 6 November 2020 Petitioner was issued BUPERS order: [REDACTED] with required obligated service to June 2024. At that time, a Zone "B" SRB was authorized in accordance with reference (c), however Petitioner was still in Zone A. On 10 February 2021 Petitioner entered Zone B. On 13 June 2022 the Navy Standard Integrated Personnel System/Electronic Service Record displayed an 8-month agreement to extend enlistment to meet the obligated service. The Board determined that Petitioner should have signed a NAVPERS 1070/613 vice extension of enlistment. As such, Petitioner would have been eligible to reenlist on 15 February 2022 for 3 years and receive a Zone "B" SRB.

RECOMMENDATION

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

Petitioner's 8-month agreement to extend enlistment (NAVPERS 1070/621) operative on 13 December 2023 is null and void.

Petitioner executed an Administrative Remarks (NAVPERS 1070/613) on 13 June 2022 agreeing to extend enlistment for 6 months with obligated service to June 2024.

Petitioner was discharged 14 February 2022 and reenlisted on 15 February 2022 for a term of 3 years.

Note: This change will entitle Petitioner to a Zone "B" SRB with an award level of "8.5" (\$100,000 award ceiling) for the EMN(SW)/N24S, rating/NEC. Remaining obligated service to 12 December 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 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 [REDACTED], N133D, [REDACTED], [REDACTED] concerning SRB payment.

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That a copy of this report of proceedings 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.

6/20/2024

