



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

[REDACTED]
Docket No. 2912-24
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) NAVADMIN 108/20, 15 Apr 20
(c) FY21 SRB Award Plan (N13SRB 002/FY21), 28 Dec 20
(d) FY21 SRB Award Plan (N13SRB 005/FY21), 9 Aug 21

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by OCNO N133D, 28 Sep 23
(3) Advisory opinion by CMSB memo 1160 Ser B328/047, 27 Mar 14
(4) 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 31 October 2021 for 4 years, was eligible for and received a Zone B Selective Reenlistment Bonus (SRB), and was eligible to transfer his education benefits.

2. The Board, consisting of [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 4 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 26 May 2015, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 25 May 2019 and Soft EAOS (SEAOS) of 25 May 2021; "Training in the Nuclear Field Program, and advancement to E4, per MILPERSMAN Articles 1160-040, 1160-080, 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."

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- b. On 4 April 2016, Petitioner got married.
- c. On 16 May 2017, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 14 June 2017 for duty.
- d. On 30 June 2018 Petitioner reenlisted for 6 years with an EAOS of 29 June 2024 and received a Zone A SRB.
- e. In May 2019, Petitioner was awarded Navy Enlisted Classification (NEC) N24S.
- f. On 28 February 2020, Petitioner's dependent child was born.
- g. 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.
- h. In accordance with reference (c), FY21 SRB Award Plan (N13SRB 002/FY21), a Zone "B" SRB with an award level of 7.5 (\$100,000 award ceiling) for the EMN(SW)/N24O/S, rate/NEC was listed.
- i. On 1 February 2021, Navy Standard Integrated Personnel System (NSIPS)/Electronic Service Record (ESR) shows a 5-month agreement to extend enlistment with a SEAOS of 29 November 2024.
- j. On 8 February 2021, Petitioner was issued official change duty orders (BUPERS order: 0391) with required obligated service to November 2024, while stationed in [REDACTED] with an effective date of departure of June 2021. Petitioner's intermediate (01) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 26 July 2021. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 13 November 2021 with a Projected Rotation Date (PRD) of November 2024. Obligated service to November 2024 is required for this assignment which may be satisfied by reenlistment or extension of enlistment. Circumstances such as potential monetary loss under critical skills bonus or SRB, refer to MILPERSMAN 1306-106 para 4. Use of NAVPERS 1070/613 only authorized for SRB eligible sailors.
- k. On 26 May 2021, Petitioner entered Zone B.
- l. On 21 June 2021, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 26 July 2021 for temporary duty.
- m. In accordance with reference (d), FY21 SRB Award Plan (N13SRB 005/FY21), a Zone "B" SRB with an award level of 7.5 (\$100,000 award ceiling) for the EMN(SW)/N24O/S, rate/NEC was listed.

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n. On 13 November 2021, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 13 November 2021 for duty.

o. In November 2022, Petitioner was awarded NEC 805A. In May 2023, Petitioner was awarded NEC N89X.

p. On 6 October 2023, Petitioner was issued official change duty orders (BUPERS order: 2793) while stationed in [REDACTED] with an effective date of departure of October 2023. Petitioner's ultimate activity was [REDACTED] for duty – limited duty with an effective date of arrival of 18 October 2023 with a PRD of March 2024.

q. On 31 May 2024, Petitioner's Benefits for Education Administrative Service Tool listed no dependents.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that on 1 February 2021, NSIPS/ESR shows a 5-month agreement to extend enlistment to meet the OBLISERV. On 8 February 2021, Petitioner was issued BUPERS order: 0391 with required obligated service to November 2024. At that time, a Zone B SRB was authorized in accordance with reference (c), however Petitioner was still in Zone A. On 26 May 2021, Petitioner entered Zone B. The Board determined that Petitioner should have signed a NAVPERS 1070/613 vice extension of enlistment. On 31 October 2021, Petitioner would have been eligible to reenlist for 4 years and receive a Zone B SRB. Furthermore, Petitioner would have been eligible to transfer his education benefits to his dependents.

RECOMMENDATION

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

Petitioner's 5-month agreement to extend enlistment (NAVPERS 1070/621) operative on 30 June 2024 is null and void.

Petitioner executed an Administrative Remarks (NAVPERS 1070/613) on 8 February 2021 agreeing to extend enlistment for 5 months for OBLISERV to November 2024.

Petitioner was discharged 30 October 2021 and reenlisted on 31 October 2021 for a term of 4 years.

Note: This change will entitle Petitioner to a Zone "B" SRB with an award level of "7.5" (\$100,000 award ceiling) for the EMN(SW)/N24S, rating/NEC. Remaining obligated service to 29 June 2024 will be deducted from SRB computation. Additionally, Navy Personnel Command is authorized to align transfer of education benefits with the 31 October 2021 reenlistment. 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). LT [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, LT [REDACTED] [REDACTED]. 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.

6/10/2024

[REDACTED]