



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

[REDACTED]
Docket No. 3072-24
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) FY20 SRB Award Plan (N13SRB 001/FY20), 2 Dec 19
(d) FY20 SRB Award Plan (N13SRB 002/FY20), 12 Mar 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 5 April 2020 for 4 years and was eligible for and received a Zone B Selective Reenlistment Bonus (SRB).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 9 April 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 2 April 2014, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 1 April 2018 and Soft EAOS (SEAOS) of 1 April 2020; "Training in the Nuclear Field Program and advancement to E-4 per MILPERSMAN Articles 1160-040 and 1510-030. I understand that this extension becomes binding upon execution, and thereafter may not be canceled, except as set forth in MILPERSMAN Article 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."

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[REDACTED]

- b. On 9 July 2016, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 9 July 2016 for duty.
- c. On 5 January 2018, Petitioner reenlisted for 5 years with an EAOS of 4 January 2023 and received a Zone A SRB.
- d. In May 2018, Petitioner was awarded Navy Enlisted Classification (NEC) N73Z. In July 2019, Petitioner was awarded NEC N13S.
- e. In accordance with reference (b), FY20 SRB Award Plan (N13SRB 001/FY20), a Zone "B" SRB with an award level of 9.5 (\$100,000 award ceiling) for the ETN(SS)/N13O/S rate/NEC was listed.
- f. On 24 February 2020, Petitioner was issued official change duty orders (BUPERS order: 0550) with required obligated service to December 2023, while stationed in [REDACTED] with an effective date of departure of July 2020. Petitioner's intermediate (01) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 9 August 2020. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 21 December 2020 with a Projected Rotation Date of December 2023. Obligated service to December 2023 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.
- g. In accordance with reference (c), FY20 SRB Award Plan (N13SRB 002/FY20), a Zone "B" SRB with an award level of 9.5 (\$100,000 award ceiling) for the ETN(SS)/N13O/S rate/NEC was listed.
- h. On 1 April 2020, Navy Standard Integrated Personnel System (NSIPS)/Electronic Service Record (ESR) shows a 11-month agreement to extend enlistment with an SEAOS of 4 December 2023.
- i. On 2 April 2020, Petitioner entered Zone B.
- j. On 18 June 2020, Petitioner was issued official modification to change duty orders (BUPERS order: 0550), while stationed in [REDACTED] with an effective date of departure of July 2020. Petitioner's intermediate (01) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 22 August 2020. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 21 December 2020 with a PRD of December 2023.
- k. On 8 August 2020, Petitioner's Master Military Pay Account shows that Petitioner's Submarine Pay stopped.

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- l. On 8 August 2020, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 8 August 2020 for temporary duty.
- m. On 8 December 2020, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 21 December 2020 for duty.
- n. In November 2021, Petitioner was awarded NEC N76Z.
- o. On 5 December 2023, Petitioner involuntarily extended enlistment for 4-months with an EAOS of 4 April 2024.
- p. On 22 December 2023, Petitioner was issued official separation orders (BUPERS order: 3563) while stationed in [REDACTED] with an effective date of departure of April 2024. Petitioner's place elected for travel: [REDACTED] with an actual date of separation of 4 April 2024.

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 20 February 2020, Petitioner was issued BUPERS order: 0550 with required obligated service to December 2023. At that time, a Zone B SRB was authorized in accordance with reference (b), however Petitioner was still in Zone A. On 1 April 2020, NSIPS/ESR shows an 11-month agreement to extend enlistment to meet the OBLISERV. On 2 April 2020, Petitioner entered Zone B. The Board determined that Petitioner could have reenlisted vice extend enlistment. On 5 April 2020, Petitioner would have been eligible to reenlist for 4 years and receive a Zone B SRB.

RECOMMENDATION

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

Petitioner's 11-month agreement to extend enlistment (NAVPERS 1070/621) operative on 5 January 2023 is null and void.

Petitioner's 4-month involuntary agreement to extend enlistment (NAVPERS 1070/621) operative on 5 December 2023 is null and void.

Petitioner was discharged 4 April 2020 and reenlisted on 5 April 2020 for a term of 4 years.

Note: This change will entitle Petitioner to a Zone "B" SRB with an award level of "9.5" (\$100,000 award ceiling) for the ETN(SS)/N13S, rating/NEC. Remaining obligated service to 4 January 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] 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.

4/16/2024

