

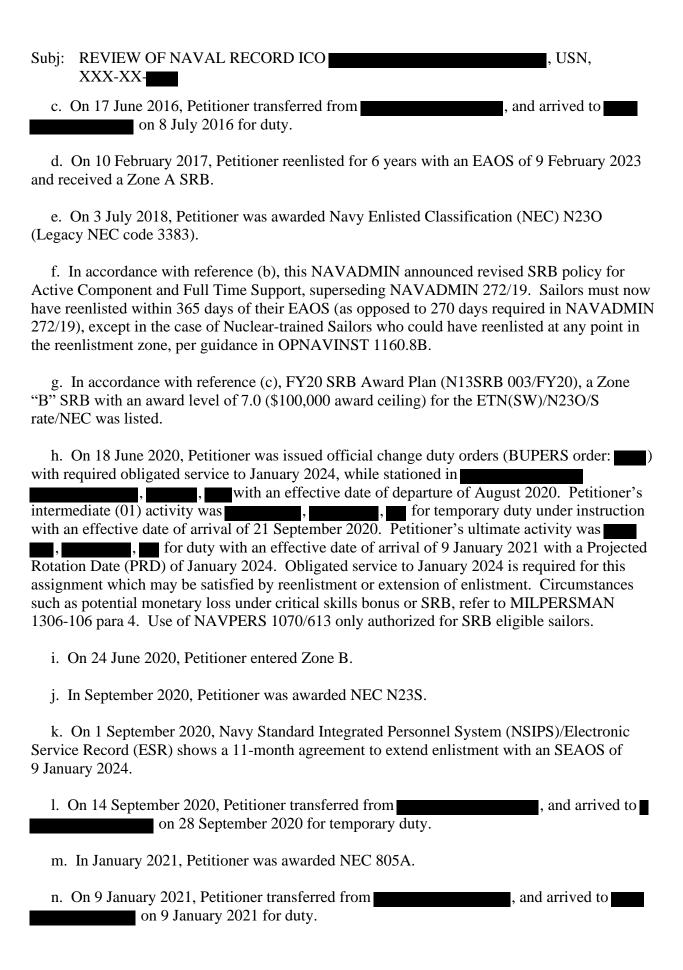
## **DEPARTMENT OF THE NAVY**

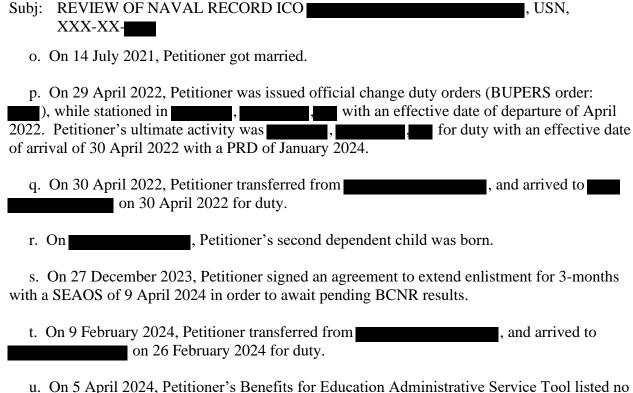
BOARD FOR CORRECTION OF NAVAL RECORDS 701 S. COURTHOUSE ROAD, SUITE 1001 ARLINGTON, VA 22204-2490

> Docket No. 3094-24 Ref: Signature Date

From: To:	Chairman, Board for Correction of Naval Records Secretary of the Navy
Subj:	REVIEW OF NAVAL RECORD ICO 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

- 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 her naval record be corrected to cancel operative/non-operative extension and show that Petitioner reenlisted on 26 June 2020 for 4 years and was eligible for and received a Zone B Selective Reenlistment Bonus (SRB).
- 2. The Board, consisting of \_\_\_\_\_\_, and \_\_\_\_\_ 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 24 June 2014, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 23 June 2018 and Soft EAOS (SEAOS) of 23 June 2020; "Training in the Nuclear Field Program and advancement to E4 per MILPERSMAN Articles 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 Article 1169-040. 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."
  - b. On Petitioner's first dependent child was born.





- dependents.
- v. In accordance with Personnel Online Listing, Petitioner executed a 3-month agreement to extend enlistment (NAVPERS 1070/621) operative on 10 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 18 June 2020, Petitioner was issued BUPERS order: with required obligated service to January 2024. At that time, a Zone B SRB was authorized in accordance with reference (c), however Petitioner was still in Zone A. On 24 June 2020, Petitioner entered Zone B. On 1 September 2020, NSIPS/ESR shows an 11-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) vice extension of enlistment. On 26 June 2020, Petitioner would have been eligible to reenlist for 4 years and receive a Zone B SRB. Furthermore, she would have been eligible to transfer her education benefits to her dependents if she so chooses.

## 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 10 February 2023 is null and void.

Petitioner's 3-month agreement to extend enlistment (NAVPERS 1070/621) executed on

27 December 2023 is null and void.

Petitioner's 3-month agreement to extend enlistment (NAVPERS 1070/621) operative on 10 April 2024 is null and void.

Petitioner was discharged 25 June 2020 and reenlisted on 26 June 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 ETN(SW)/N23O, rating/NEC. Remaining obligated service to 9 February 2023 will be deducted from SRB computation. Additionally, Navy Personnel Command is authorized to align transfer of education benefits with the 26 June 2020 reenlistment upon Petitioner's request. Furthermore, that any other entries affected by the Board's recommendation be corrected.

The Board for Correction of Naval Records (BCNR) will <u>not</u> take any action with the Defense Finance and Accounting Service (DFAS) for the SRB payment. Petitioner's SRB payment will <u>not</u> be funded by the BCNR's Claims Line of Accounting (LOA). 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, 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.

