



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

[REDACTED]
Docket No. 3852-24
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) NAVADMIN 108/20, 15 Apr 20
(c) FY21 SRB Award Plan (N13SRB 005/FY21), 9 Aug 21
(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 21 April 2022 for 4 years, 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 13 August 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 8 February 2016, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 7 February 2020 and Soft EAOS (SEAOS) of 7 February 2022; "[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."

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- b. On 23 August 2018, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 6 March 2018 for duty.
- c. On 21 September 2018, Petitioner reenlisted for 6 years with an EAOS of 20 September 2024 and received a Zone A SRB.
- d. On 27 April 2019, Petitioner got married.
- e. On 5 December 2019, Petitioner gained a dependent child with a date of birth of 14 March 2015.
- f. On 9 December 2019, Petitioner's second dependent child was born.
- g. In March 2020, Petitioner was awarded Navy Enlisted Classification (NEC) N13S.
- h. 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."
- i. In accordance with reference (c), FY21 SRB Award Plan (N13SRB 005/FY21), 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.
- j. On 26 October 2021, Petitioner was issued official change duty orders (BUPERS order: [REDACTED] with required obligated service to August 2025, while stationed in [REDACTED] [REDACTED] with an effective date of departure of March 2022. Petitioner's intermediate (01) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 3 April 2022. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 12 August 2022 with a Projected Rotation Date (PRD) of August 2025. Obligated service to August 2025, 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 12 January 2022, Petitioner signed an agreement to extend enlistment for 7 months with an SEAOS of 20 April 2025 in order to incur sufficient obligated service to execute BUPERS order 2991.
- l. On 8 February 2022, Petitioner entered Zone B.
- m. In accordance with reference (d), FY22 SRB Award Plan (N13SRB 001/FY22), 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.

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n. On 22 February 2022, Petitioner was issued official modification to change duty orders (BUPERS order: 2991) with required obligated service to June 2025, while stationed in [REDACTED] with an effective date of departure of May 2022. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 17 June 2022 with a PRD of June 2025. Obligated service to June 2025, 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.

o. On 16 May 2022, Navy Standard Integrated Personnel System (NSIPS)/Electronic Service Record (ESR) shows a 2-month agreement to extend enlistment with an SEAOS of 20 June 2025.

p. On 17 May 2022, Petitioner's Master Military Pay Account shows that Petitioner's Submarine Pay stopped.

q. On 17 May 2022, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 16 June 2022 for duty.

r. On 7 August 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 enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that on 26 October 2021, Petitioner was issued BUPERS order: 2991 with required obligated service to August 2025. At that time, a Zone B SRB was authorized in accordance with reference (c), however Petitioner was still in Zone A. On 12 January 2022, Petitioner signed a 7-month agreement to extend enlistment to meet the OBLISERV. On 8 February 2022, Petitioner entered Zone B. On 22 February 2022, Petitioner was issued official modification to BUPERS order: 2991 with required obligated service to June 2025. The Board determined that Petitioner could have reenlisted upon entering Zone B in accordance with reference (b). On 21 April 2022, 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 if he so chooses.

RECOMMENDATION

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

Petitioner's 7-month agreement to extend enlistment (NAVPERS 1070/621) executed on 12 January 2022 is null and void.

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Petitioner's 2-month agreement to extend enlistment (NAVPERS 1070/621) operative on 21 April 2025 is null and void.

Petitioner was discharged 20 April 2022 and reenlisted on 21 April 2022 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(SW)/N13S, rating/NEC. Remaining obligated service to 20 September 2024 will be deducted from SRB computation. Additionally, Navy Personnel Command is authorized to align transfer of education benefits with the 21 April 2022 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 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] [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.

8/15/2024

[REDACTED]