



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

██████████
Docket No. 3855-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████, USN,
XXX-XX-██████████

Ref: (a) Title 10 U.S.C. § 1552
(b) NAVADMIN 108/20, 15 Apr 20
(c) OPNAVINST 7220.15A, 11 Jul 22
(d) FY22 SRB Award Plan (N13SRB 004/FY22), 9 Aug 22
(e) FY23 SRB Award Plan (N13SRB 001/FY23), 26 Oct 22

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by OCNO N133D, ██████████
(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 14 April 2023 for 5 years, was eligible for and received a Zone B Selective Reenlistment Bonus (SRB), was eligible for and received Continuous Submarine Duty Incentive Pay (CONSUBPAY) in conjunction with the reenlistment.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 17 September 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 2017, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 7 February 2021 and Soft EAOS (SEAOS) of 7 February 2023; "[t]raining in the Nuclear Field. MIIPERSMAN 1510-030 and MILPERSMAN 1306-500, 1306-502, and 1306-504 (NF) are governing directives. Advancement to Rate and Grade per MILPERSMAN 1430-010. I understand that this extension of active service becomes binding upon execution, and thereafter may not be cancelled, except as set forth in MILPERSMAN

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1160-040 and 1510-030. 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. In December 2018, Petitioner was awarded Navy Enlisted Classification (NEC) N13O.

c. On 31 January 2019, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 31 January 2019 for duty.

d. On 13 June 2019, Petitioner reenlisted for 6 years with an EAOS of 12 June 2025 and received a Zone A SRB.

e. 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.

f. In December 2021, Petitioner was awarded NEC N13S.

g. In accordance with reference (c), “Upon transfer from a submarine to a non-submarine activity, an enlisted member's Continuous Submarine Pay (CONSUBPAY) will automatically stop if their obligated service (OBLISERV) does not incur a minimum of 18 months past the member's PRD at the subsequent command. If the member is otherwise eligible and at some time during a non-submarine or shore duty tour, they begin meeting the 18-month OBLISERV requirement, their CONSUBPAY will be restored. CONSUBPAY entitlement will restart effective the date the member reenlists or extends with sufficient OBLISERV for CONSUBPAY. The member's CONSUBPAY will commence upon posting of the reenlistment or extension document to the Enlisted Master Record.”

h. In accordance with reference (d), FY22 SRB Award Plan (N13 SRB 004/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.

i. In August 2022, Petitioner was awarded NEC N73Z.

j. On 21 September 2022, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) with required obligated service to January 2026, while stationed in [REDACTED] with an effective date of departure of February 2023. Petitioner’s intermediate (01) activity was [REDACTED] with an effective date of arrival of 25 February 2023. Petitioner’s ultimate activity was [REDACTED] for duty with an effective date of arrival of 30 April 23 with a Projected Rotation Date of January 2026. Obligated service to January 2026, 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.

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k. In accordance with reference (e), FY23 SRB AWARD PLAN (N13 SRB 001/FY23), 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.

l. On 9 January 2023, Petitioner signed an agreement to extend enlistment for 7 months with an SEAOS of 12 January 2026 in order to incur sufficient obligated service to execute BUPERS order [REDACTED].

m. On 3 February 2023, Petitioner's Master Military Pay Account shows that Petitioner's Submarine Pay stopped.

n. On 3 February 2023, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 25 February 2023 for temporary duty.

o. On 8 February 2023, Petitioner entered Zone B.

p. In March 2023, Petitioner was awarded NEC 803R.

q. On 31 March 2023, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 3 April 2023 for duty.

r. On 7 November 2023, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]), while stationed in [REDACTED] with an effective date of departure of November 2023. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 30 November 2023 with a Projected Rotation Date of January 2026.

s. On 10 December 2023, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 11 December 2023 for duty.

t. On 8 January 2024, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 8 January 2024 for duty.

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 21 September 2022, Petitioner was issued BUPERS order: [REDACTED] with required obligated service to January 2026. At that time, a Zone B SRB was authorized in accordance with reference (d), however Petitioner was still in Zone A. On 9 January 2023, Petitioner signed an agreement to extend enlistment for 7 months to meet the OBLISERV. On 8 February 2023, Petitioner entered Zone B. The Board determined that Petitioner should have signed a NAVPERS 1070/613 vice extension of enlistment. On 14 April 2023, Petitioner would have been eligible to reenlist for 5 years and receive a Zone B SRB. Furthermore, CONSUBPAY would have been authorized in conjunction with the reenlistment because his obligated service would have met the requirement in reference (c).

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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 9 January 2023 is null and void.

Petitioner executed an Administrative Remarks (NAVPERS 1070/613) on 9 January 2023 agreeing to extend enlistment for 7 months for OBLISERV to January 2026.

Petitioner was discharged 13 April 2023 and reenlisted on 14 April 2023 for a term of 5 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 12 June 2025 will be deducted from SRB computation. Additionally, Navy Personnel Command is authorized to align the CONSUBPAY with the 14 April 2023 reenlistment. 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.

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.

9/20/2024

[REDACTED]