



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

[REDACTED]
Docket No. 3860-24
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), 29 Aug 21
(d) FY22 SRB Award Plan (N13 SRB 005/FY22), 23 Sep 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 24 September 2022 for 4 years, was eligible for and received a Zone B Selective Reenlistment Bonus (SRB) and was eligible to transfer his education benefits to his dependents.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 2 July 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 25 August 2016, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 24 August 2020 and Soft EAOS (SEAOS) of 24 August 2022; "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 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."

b. On 20 April 2018, Petitioner transferred from [REDACTED] and arrived to [REDACTED] [REDACTED] 18 May 2018 for duty.

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

c. On 24 August 2018, Petitioner reenlisted for 6 years with an EAOS of 23 August 2024 and received a Zone A SRB.

d. In January 2019, Petitioner was awarded Navy Enlisted Classification (NEC) 825A.

e. On 6 January 2020, Petitioner got married.

f. 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.

g. In December 2020, Petitioner was awarded NEC N25S.

h. In accordance with reference (c), FY21 SRB Award Plan (N13SRB 005/FY21), a Zone "B" SRB with an award level of 7.5 (\$100,000 award ceiling) for the MMN(SW)/N25O/S, rate/NEC was listed.

i. On 29 September 2021, Petitioner was issued official change duty orders (BUPERS order: [REDACTED] with required obligated service to September 2025, while stationed in [REDACTED] [REDACTED] an effective date of departure of May 2022. Petitioner's intermediate (01) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 27 June 2022. Petitioner's ultimate activity was [REDACTED] [REDACTED] for duty with an effective date of arrival of 17 September 2022 with a Projected Rotation Date (PRD) of September 2025. Obligated service to September 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.

j. On 9 November 2021, Petitioner signed an agreement to extend enlistment for 13 months with an SEAOS of 23 September 2025 in order to incur sufficient obligated service to execute BUPERS order 2721.

k. On 16 May 2022, Petitioner transferred from [REDACTED] and arrived to S [REDACTED] on 28 June 2022 for temporary duty.

l. On 25 August 2022, Petitioner entered Zone B.

m. On 16 September 2022, Petitioner transferred from [REDACTED] [REDACTED] and arrived to [REDACTED] on 16 September 2022 for duty.

n. In accordance with reference (d), FY22 SRB Award Plan (N13 SRB 005/FY22), a Zone "B" SRB with an award level of 8.5 (\$100,000 award ceiling) for the MMN(SW)/N25O/S, rate/NEC was listed.

o. In October 2022, Petitioner was awarded NEC N89X.

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

p. On 22 February 2023, Petitioner was issued official change duty orders (BUPERS order: [REDACTED] while stationed in [REDACTED] with an effective date of departure of February 2023. Petitioner's ultimate activity was [REDACTED] for duty limited duty with an effective date of arrival of 23 February 2023 with a PRD of August 2023.

q. On 1 March 2023, Petitioner was issued official modification to change duty orders (BUPERS order: [REDACTED] while stationed in [REDACTED] with an effective date of departure of March 2023. Petitioner's ultimate activity was [REDACTED] for duty limited duty with an effective date of arrival of 8 March 2023 with a PRD of August 2023.

r. On 8 March 2023, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 8 March 2023 for duty.

s. Petitioner submitted transfer of education benefits applications on 10 April 2024. The Service rejected the applications on 11 April 2024 indicating, Petitioner "has not committed to the required additional service time."

t. On 26 April 2024, Petitioner was issued official retirement orders (BUPERS order: [REDACTED] while stationed in [REDACTED] with an effective date of departure of May 2024 from Temporary Duty-Pending Separation. Petitioner's home of selection: [REDACTED] with an effective date of retirement 31 May 2024.

u. Petitioner retired with an honorable character of service and was issued a DD Form 214, Certificate of Release or Discharge from Active Duty for the period of 25 August 2016 to 30 May 2024 due to Disability, Permanent.

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 29 September 2021, Petitioner was issued BUPERS order: [REDACTED] with required obligated service to September 2025. At that time, a Zone B SRB was authorized in accordance with reference (c), however, Petitioner was still in Zone A. On 9 November 2021, Petitioner signed an agreement to extend enlistment for 13 months to meet the OBLISERV. On 25 August 2022, Petitioner entered Zone B. The Board determined that Petitioner should have signed a NAVPERS 1070/613 vice extension of enlistment. On 24 September 2022, Petitioner would have been eligible to reenlist for 4 years and receive a Zone B SRB. Furthermore, he 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 13-month agreement to extend enlistment (NAVPERS 1070/621) executed on 9 November 2021 is null and void.

Petitioner executed an Administrative Remarks (NAVPERS 1070/613) on 9 November 2021 agreeing to extend enlistment for 13 months for OBLISERV to September 2025.

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

Petitioner was discharged 23 September 2022 and reenlisted on 24 September 2022 for a term of 4 years.

Note: This change will entitle Petitioner to a Zone "B" SRB with an award level of "8.5" (\$100,000 award ceiling) for the MMN(SW)/N25S, rating/NEC. Remaining obligated service to 23 August 2024 will be deducted from SRB computation. Additionally, Navy Personnel Command is authorized to align transfer of education benefits with the 24 September 2022 reenlistment and adjust Petitioner's obligation end date to align with his involuntary transfer to the Permanent Disability Retired List effective 30 May 2024. 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] 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.

7/5/2024

[REDACTED]