



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

[REDACTED]
Docket No. 3945-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,
XXX-XX-[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

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 9 December 2021 for 4 years, was eligible for and received a Zone B Selective Reenlistment Bonus (SRB).

2. The Board, consisting of [REDACTED], [REDACTED], and [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 7 December 2015, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 6 December 2019 and Soft EAOS (SEAOS) of 6 December 2021; "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 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."

b. On 13 February 2016, Petitioner got married.

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c. On 20 February 2018, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 20 February 2018 for duty.

d. On 1 February 2019, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 2 February 2019 for duty.

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. On 21 August 2020, Petitioner reenlisted for 4 years with an EAOS of 20 August 2024 and received a Zone A SRB.

g. In May 2021, Petitioner was awarded Navy Enlisted Classification (NEC) N15S.

h. In accordance with reference (c), FY21 SRB Award Plan (N13SRB 005/FY21), a Zone "B" SRB with an award level of 8.5 (\$100,000 award ceiling) for the MMN(SS)/N15O/S, rate/NEC was listed.

i. On 28 September 2021, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) with required obligated service to March 2025, while stationed in [REDACTED], [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of February 2022. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 16 March 2022 with a Projected Rotation Date of March 2025. Obligated service to March 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 7 Dec 2021, Petitioner entered Zone B.

k. On 20 January 2022, Navy Standard Integrated Personnel System (NSIPS)/Electronic Service Record (ESR) shows a 7-month agreement to extend enlistment with an SEAOS of 20 March 2025.

l. On 1 February 2022, Petitioner's Master Military Pay Account shows that Petitioner's Submarine Pay stopped.

m. On 1 February 2022, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 8 March 2022 for duty.

n. On 28 June 2024, Petitioner's Benefits for Education Administrative Service Tool listed no dependents.

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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 28 September 2021, Petitioner was issued BUPERS order: [REDACTED] with required obligated service to March 2025. At that time, a Zone B SRB was authorized in accordance with reference (c), however Petitioner was still in Zone A. On 7 December 2021, Petitioner entered Zone B. On 20 January 2022, NSIPS/ESR shows a 7-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). On 9 December 2021, 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) operative on 21 August 2024 is null and void.

Petitioner was discharged 8 December 2021 and reenlisted on 9 December 2021 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(SS)/N15S, rating/NEC. Remaining obligated service to 20 August 2024 will be deducted from SRB computation. Additionally, Navy Personnel Command is authorized to align transfer of education benefits with the 9 December 2021 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 [REDACTED], 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

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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

