



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

[REDACTED]
Docket No. 3964-24
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by CMSB memo 1160 Ser B328/197, 18 Nov 24
(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 show Petitioner's Soft End of Active Obligated Service (SEAOS) as 31 January 2027.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 21 November 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 16 January 2020, Petitioner enlisted for 8 years in the U.S. Naval Reserve with an Expiration of Obligated Service of 15 January 2028.

b. On 10 April 2020, Petitioner signed an Enlistment Guarantees (NAVCRUIT 1133/52) Annex B to DD Form 4 dated 16 January 2020 listing the following acknowledgement: "In connection with my enlistment into the United States Navy (Active) Component, I acknowledge that I am enlisting for a total Military Service Obligation (MSO) of 8 years. I fully understand and acknowledge that my MSO consists of an active-duty obligation of 6 years as indicated in the options listed below with the remaining months 24 of my MSO served in the Individual Ready Reserve (IRR). I understand my contract has the following guaranteed options which require the indicated active-duty service obligation(s): Option 1: Advanced Technical Field Special Warfare Operator (ATF/SO 6YO) Challenge Program."

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c. On 1 February 2021, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 31 January 2025.

d. On 1 February 2021, Petitioner signed an agreement to extend enlistment for 24 months with a SEAOS of 31 January 2027 for “[t]raining in the Advanced Technical Field (ATF). MILPERSMAN 1510-030 is governing directive. I understand that this extension of active service becomes binding upon execution and thereafter may not be cancelled except as set forth in MILPERSMAN 1160-040 and 1510-030. Advancement to rate and grade per MILPERSMAN 1430-010.1 understand this extension becomes binding upon advancement and may not be cancelled except as per MILPERSMAN 1160-040.”

e. On 22 March 2021, Petitioner signed an agreement to extend enlistment for 12 months with a SEAOS of 31 January 2026 for “[t]raining in the Advanced Technical Field (ATF). MILPERSMAN 1510-030 is governing directive. I understand that this extension of active service becomes binding upon execution and thereafter may not be cancelled except as set forth in MILPERSMAN 1160-040 and 1510-030.”

f. On 22 March 2021, Petitioner signed an agreement to extend enlistment for 12 months with a SEAOS of 31 January 2027 for “[a]dvancement to rate and grade per MILPERSMAN 1430-010. I understand this extension becomes binding upon advancement and may not be cancelled except as per MILPERSMAN 1160- 040.”

g. On 22 April 2021, Petitioner was issued official change duty orders (BUPERS order: 1121) while stationed in [REDACTED] with an effective date of departure of May 2021. Petitioner’s intermediate (01) activity was [REDACTED] [REDACTED] for temporary duty under instruction with an effective date of arrival of 5 June 2021.

h. On 28 May 2021, Petitioner transferred from [REDACTED] and arrived at [REDACTED] on 28 May 2021 for temporary duty.

i. On 21 June 2021, Petitioner was issued official modification to change duty orders (BUPERS order: 1121) while stationed in [REDACTED] with an effective date of departure of May 2021. Petitioner’s intermediate (01) activity was [REDACTED] [REDACTED] for temporary duty under instruction with an effective date of arrival of 30 May 2021. Petitioner’s intermediate (02) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 5 June 2021. Petitioner’s intermediate (03) activity was [REDACTED] [REDACTED] for temporary duty under instruction with an effective date of arrival of 24 July 2021.

j. On 23 July 2021, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 26 July 2021 for temporary duty.

k. On 19 August 2021, [REDACTED] issued Petitioner an Administrative Remarks (NAVPERS 1070/613) listing the following: “Member voluntarily

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dropped from BUDS training class 350 on 18 AUG 21. Based on the decision of the Suitability Review Board; member may reapply for further BUD/s or SWCC training after a minimum of TWO (2) years, however acceptance back into the training will be based on the needs of the community and members length of service at the time of submission.

Completed 10 weeks of "under instruction" training.

No additional OBLISERV [obligated service] for completed training is required.”

l. On 21 September 2021, Petitioner signed an Enlistment Guarantees (NAVCRUIT 1133/52) Annex C to DD Form 4 dated 16 January 2020 listing the following acknowledgement: “In connection with my enlistment into the United States Navy (Active) Component, I acknowledge that I am enlisting for a total Military Service Obligation (MSO) of 8 years. I fully understand and acknowledge that my MSO consists of an active-duty obligation of 6 years as indicated in the options listed below with the remaining months 24 of my MSO served in the Individual Ready Reserve (IRR). I understand my contract has the following guaranteed options which require the indicated active-duty service obligation(s): Option 1: Advanced Technical Field Aircrew - Rescue Swimmer (ATF/AIRR 6YO) Challenge Program.”

m. On 21 September 2021, Petitioner signed an agreement to extend enlistment for 24 months with a SEAOS of 31 January 2029 for “[t]raining in the Aircrewman Program and accelerated advancement to paygrade E4 in accordance with MILPERSMAN Article 1220-010. Accelerated advancement to E4 is authorized only after successful completion of Naval Aircrew Candidate School, Class "A" School, and Fleet Replacement Squadron training. I understand that this extension becomes binding upon execution and may not thereafter be canceled except as provided in MILPERSMAN 1160-040.”

n. On 23 September 2021, Petitioner was issued official modification to change duty orders (BUPERS order: 1121) while stationed in [REDACTED] with an effective date of departure of May 2021.

o. On 14 October 2021, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 14 October 2021 for temporary duty.

p. On 18 August 2022, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 18 August 2022 for temporary duty.

q. On 26 September 2022, Petitioner was issued official modification to change duty orders (BUPERS order: 1121) while stationed in [REDACTED] with an effective date of departure of May 2021.

r. On 24 October 2022, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 24 October 2022 for duty under instruction.

s. On 2 November 2022, Petitioner was issued official change duty orders (BUPERS order: 3062) while stationed in [REDACTED] with an effective date of departure of

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November 2022. Petitioner's intermediate (01) activity was [REDACTED] for temporary duty with an effective date of arrival of 1 December 2022. Petitioner's ultimate activity was [REDACTED] for duty under instruction with an effective date of arrival of 12 January 2023 with a projected rotation date (PRD) of November 2023.

t. On 15 December 2023, Petitioner was advanced to AWR3/E-4 under special program.

u. On 30 October 2023, Petitioner was issued official change duty orders (BUPERS order: 3033) while stationed in [REDACTED] with an effective date of departure of January 2024. Petitioner's intermediate (01) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 20 January 2024. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 2 March 2024 with a PRD of March 2028.

v. On 30 November 2022, Petitioner transferred from [REDACTED] and arrived to [REDACTED] 40 on 30 November 2022 for temporary duty.

w. On 12 January 2023, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 12 January 2023 for duty under instruction.

x. On 20 January 2024, Petitioner transferred from [REDACTED] and arrived at [REDACTED] on 21 January 2024 for temporary duty.

y. On 2 February 2024, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 29 February 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 error warranting the following corrective action. The Board concluded that Petitioner entered active duty in the Navy for 4 years on 1 February 2021 and executed a 24-month extension of enlistment resulting in an EAOS of 31 January 2025 and SEAOS as 31 January 2027. Petitioner was joined to [REDACTED] for temporary duty and on 19 August 2021 a page 13 was issued stating that Petitioner voluntarily disenrolled from BUDS Training after 10 weeks of instruction with no additional obligated service required. Petitioner reclassified to ATF/AIRR 6-YO challenge program and a new Annex C was issued on 21 September 2021, on the same date the petitioner signed a NAVPERS 1070/621 for 24 months with a total of 48 months of extension adjusting the SEAOS to 31 January 2029. The Board determined that the additional 24-month extension of enlistment should not have been executed as he had already met the obligated service for the 6-YO Program. Therefore, Petitioner's EAOS should reflect as 31 January 2025 and SEAOS as 31 January 2027, instead of 31 January 2029.

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RECOMMENDATION

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

Petitioner's 24-month agreement to extend enlistment (NAVPERS 1070/621) executed on 21 September 2021 is null and void. Note: This will establish an EAOS of 31 January 2025 and SEAOS of 31 January 2027.

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 titled 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.

11/27/2024

