

DEPARTMENT OF THE NAVY

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

> Docket No. 4221-24 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) FY21 SRB Award Plan (N13SRB 005/FY21), 9 Aug 21

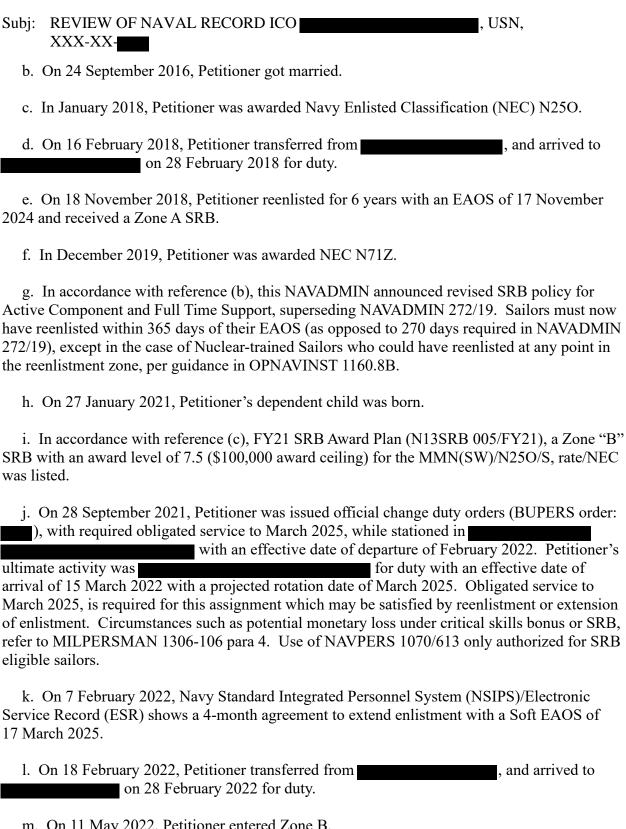
(d) FY22 SRB Award Plan (N13SRB 002/FY22), 13 May 22

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 18 May 2022 for 4 years, was eligible for and received a Zone B Selective Reenlistment Bonus (SRB).
- 2. The Board, consisting of period of the enclosures, 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 11 May 2016, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 10 May 2020 and Soft EAOS of 10 May 2022; "[t]raining in the Nuclear Field. MILPERSMAN 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 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."



m. On 11 May 2022, Petitioner entered Zone B.

n. In accordance with reference (d), FY22 SRB Award Plan (N13SRB 002/FY22), a Zone "B" SRB with an award level of 8.5 (\$100,000 award ceiling) for the MMN(SW)/N25O, rate/NEC was listed.

- o. In September 2022, Petitioner was awarded NEC U18A.
- p. On 4 October 2024, Petitioner's Benefits for Education Administrative Service Tool listed the following: Petitioner submitted his request on 20 November 2023; however, it was rejected due to not committed to the required additional service time.

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 on 28 September 2021, Petitioner was issued orders with 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 February 2022, NSIPS/ESR shows a 4-month agreement to extend enlistment to meet the obligated service. On 11 May 2022, Petitioner entered Zone B. The Board determined that Petitioner should have signed a NAVPERS 1070/613 vice extension of enlistment. Petitioner would have been eligible to reenlist for 4 years and receive a Zone B SRB on 18 May 2022. Furthermore, Petitioner would have been eligible to transfer his education benefits to his dependents if he so chooses.

RECOMMENDATION

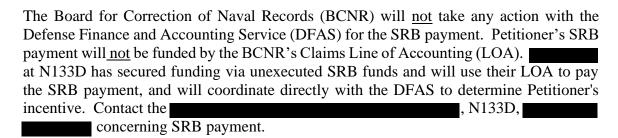
That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner's 4-month agreement to extend enlistment (NAVPERS 1070/621) operative on 18 November 2024 is null and void.

Petitioner executed an Administrative Remarks (NAVPERS 1070/613) on 7 February 2022 agreeing to extend enlistment for 4 months for obligated service to March 2025.

Petitioner was discharged 17 May 2022 and reenlisted on 18 May 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)/N25O, rating/NEC. Remaining obligated service to 17 November 2024 will be deducted from SRB computation. Additionally, Navy Personnel Command is authorized to align transfer of education benefits with the 18 May 2022 reenlistment upon Petitioner's request. Furthermore, that any other entries affected by the Board's recommendation be corrected.



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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.

