



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

██████████
Docket No. 11788-24
Ref: Signature Date

██████████
██████████
██████████

Dear ██████████

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 18 March 2025. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies. In addition, the Board considered the advisory opinion contained in Branch Head, Community Management Support Branch memorandum 1160 Ser B328/036 of 6 February 2025, which was previously provided to you for comment.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

In accordance with MILPERSMAN 1160-040 published on 16 February 2017, "e. "Fault of member" is defined as an intentional act of a Service member making the Service member culpable for the outcome which includes: (1) A Sailor who willfully commits any action which results in attrition from a formal class "A" or "C" school; or (2) A Sailor who voluntarily withdraws, drops, or quits a course of instruction. Note: Inoperative extensions will not be cancelled if it is determined that the member is at fault."

On 9 December 2020, you signed Enlistment/Reenlistment Document Armed Forces of the United States (DD Form 4), listing the following: "I am enlisting/reenlisting in the United States (list branch of service) Naval Reserve this date for 8 years and 0 weeks beginning in pay grade

E-1 of which 4 years and 0 weeks is considered an Active-Duty Obligation, and 4 years and 0 weeks will be served in the Reserve Component of the Service in which I have enlisted. If this is an initial enlistment, I must serve a total of eight (8) years, unless I am sooner discharged or otherwise extended by the appropriate authority. This eight-year service requirement is called the Military Service Obligation. The additional details of my enlistment/reenlistment are in Section C and Annex(es) (list name of Annex(es) and describe) A.”

On 9 December 2020, you signed an Enlistment Guarantees (NAVCRUIT 1133/52) Annex A to DD Form 4 of 9 December 2020, listing the following: “Acknowledgement...Option 1: Advanced Electronics Field - Advanced Electronics Computer Field (AEF/AECF 6YO) Program. Requires 4 years active-duty obligation and a voluntary extension of 24 months to meet the rating, school, and program guarantee active-duty obligation requirement.”

On 24 May 2021, you signed an Enlistment Guarantees (NAVCRUIT 1133/52) Annex B to DD Form 4 of 7 April 2021, listing the following: “Acknowledgement... Option 1: Advanced Technical Field Special Warfare Operator (ATF/SO 6YO) Challenge Program. Requires 4 years active-duty obligation and a voluntary extension of 24 months to meet the rating, school, and program guarantee active-duty obligation requirement.” Additionally, you acknowledged that, “4. If I am not enrolled in the guaranteed options specified above because of some reason that is due to my fault, negligence, or conduct or if I am disenrolled for any other reason not specified in paragraph 3, then I lose that guarantee and, at the Navy's option, remain subject to continued Naval service. I also understand that if I am retained, I may be required to serve the rest of my enlistment. If given accelerated advancement, post-apprentice training, or any enlistment incentive, I may incur additional service as required by regulation. The Navy may, at its option, discharge me in accordance with law and regulation.”

On 6 October 2021, you entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 5 October 2025 with a ██████████ October 2027.

On 6 October 2021 you signed a 12 month agreement to extend enlistment (NAVPERS 1070/621) with in ██████████ of 5 October 2026 for Training in the Advanced Technical Field (ATF).

On 9 November 2021, you were issued official change duty orders (BUPERS order: 3131) while stationed in ██████████ with an effective date of departure of December 2021. Your intermediate (01) activity was ██████████ ██████████ for temporary duty under instruction with an effective date of arrival of 8 January 2022.

On 6 December 2021, you transferred from ██████████ and arrived to ██████████ ██████████ on 6 December 2021 for temporary duty.

On 28 March 2022, you signed an Enlistment Guarantees (NAVCRUIT 1133/52) Annex C to DD Form 4 of 9 December 2020, listing the following: “Acknowledgement...Option1: Advanced Technical Field Explosive Ordnance Disposal (ATF-EOD 6YO) Challenge Program

requires 4 years active-duty obligation and a voluntary extension of 24 months to meet the rating, school, and program guarantee active-duty obligation requirement and a voluntary extension of N/A months to meet the enlistment bonus requirement.”

On 28 March 2022 you signed a 24 month agreement to extend enlistment (NAVPERS 1070/621) with in [REDACTED] of 5 October 2027 for Training in the Advanced Electronic Field (AEF)/Advanced Technical Field (ATF) program and advance to paygrade E-4.

On 30 March 2022, you were issued official modification to change duty orders (BUPERS order: 3131) while stationed in [REDACTED] with an effective date of departure of December 2021. Your intermediate (01) activity was [REDACTED] for temporary duty with an effective date of arrival of 4 December 2021. Your intermediate (02) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 10 January 2022. Your intermediate (03) activity was [REDACTED] for temporary duty with an effective date of arrival of 26 February 2022. Your intermediate (04) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 8 May 2022.

On 2 May 2022, you transferred from [REDACTED] on 8 May 2022 for temporary duty.

On 13 July 2022, you signed a Professional Apprenticeship Career Track (PACT) Program Enlistment Guarantees (NAVCRUIT 1133/53) Annex C to DD Form 4 of 6 October 2021, listing the following: “ACKNOWLEDGEMENT: In connection with my enlistment into the United States Navy, I hereby acknowledge that: a. I am enlisting into the U.S. Navy for an active duty period of 4 years. I am enlisting with the following guarantees and understanding: Option (1): Surface/Seaman Professional Apprenticeship Career Track (PACT) Program Guarantee.”

On 21 July 2022, you were issued official modification to change duty orders (BUPERS order: 3131) while stationed in [REDACTED] with an effective date of departure of December 2021. Your intermediate (01) activity was [REDACTED] for temporary duty with an effective date of arrival of 4 December 2021. Your intermediate (02) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 10 January 2022. Your intermediate (03) activity was [REDACTED] for temporary duty with an effective date of arrival of 26 February 2022. Your intermediate (04) activity was [REDACTED] for temporary duty with an effective date of arrival of 26 April 2022. Your ultimate activity was CG 64 [REDACTED] for duty with an effective date of arrival of 12 August 2022 with a projected rotation date (PRD) of August 2024.

On 29 July 2022, you transferred from [REDACTED] and arrived at [REDACTED] on 15 August 2022 for duty.

On 25 April 2024, you were issued official change duty orders (BUPERS order: 1164) with required obligated service to April 2027, while stationed in [REDACTED] with an effective date of departure of July 2024. Your intermediate (01) activity [REDACTED] [REDACTED] for temporary duty under instruction with an effective date of arrival of 17 August 2024. Your ultimate activity was [REDACTED] [REDACTED] for duty with an effective date of arrival of 23 November 2024 with a PRD of October 2025.

On 1 July 2024, you were advanced to AE3/ E-4.

On 20 July 2024, you transferred from [REDACTED] and arrived to [REDACTED] [REDACTED] on 7 August 2024 for duty under instruction.

On 27 November 2024, you were issued official change duty orders (BUPERS order: 3324) while stationed in [REDACTED] with an effective date of departure of December 2024. Your intermediate (01) activity was [REDACTED] for temporary duty with an effective date of arrival of 8 January 2025. Your intermediate (02) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 22 February 2025. Your ultimate activity was [REDACTED] for duty with an effective date of arrival of 4 April 2025 with a PRD of April 2027.

On 8 January 2025, you transferred from [REDACTED] on 8 January 2025 for temporary duty. On 23 February 2025, you transferred from [REDACTED] and arrived to [REDACTED] on 24 February 2025 for temporary duty.

Navy Standard Integrated Personnel System (NSIPS)/Electronic Service Record (ESR) currently shows 18-month agreement to extend enlistment with an SEAOS of 5 April 2027.

You requested to correct your [REDACTED] from 5 April 2027 to 5 October 2025, to reflect the time that you actually owe the Navy. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that on 24 May 2021, you signed NAVCRUIT 1133/52 Annex B reflecting a 4 year active duty obligation and a 24 month extension of enlistment. On 6 October 2021, you entered active duty for 4 years with an [REDACTED] of 5 October 2025 with a [REDACTED] of 5 October 2027. The Board determined that because you requested to withdraw from [REDACTED]/s, your withdrawal is considered your fault, and the Navy is not required to cancel your inoperative extension. In accordance with MILPERSMAN 1160-040, Fault of member includes a Sailor who voluntarily withdraws, drops, or quits a course of instruction. Inoperative extensions will not be cancelled if it is determined that the member is at fault. On 13 July 2022, you signed a Professional Apprenticeship Career Track (PACT) Program contract with a 4 year obligation and NSIPS/ESR shows a [REDACTED] of 5 April 2027. You assert that the PACT program enlistment was a 4YO contract that was back dated to the original date of enlistment, which should have subsequently discarded any extensions related to school. However, on 25 April 2024, you were issued BUPERS order: 1164 with required obligated service to April 2027. On 20 July 2024, you executed BUPERS order: 1164 to NSW Basic [REDACTED] training and did not complete the training due to requesting to be dropped from the program. Furthermore, although you signed a

PACT Program contract with a 4 year obligation, the Board agreed that BUPERS order: 1164 offered you another chance to complete [REDACTED] and that the obligation should have reverted back to 5 October 2027. You executed orders and did not complete training, again at your own fault; therefore, the Board determined that you are required to serve the original 24 month extension to 5 October 2027. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

[REDACTED]