



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

DJC  
Docket No. 7022-06  
15 November 2006

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

Subj: [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments  
(2) NPC Memo 1160 Ser 4811/609 dtd 12 Oct 06  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a) Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to modify a reenlistment agreement.
2. The Board, consisting of Mr. Leeman, Ms. McCormick, and Mr. George, reviewed Petitioner's allegations of error and injustice on 14 November 2006 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, naval records, and applicable statutes, regulations and policies.
3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:
  - a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.
  - b. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

#### 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.

RECOMMENDATION:

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

a. The reenlistment executed on or about 18 December 2002 is for a term of 4 years, vice 6 years.

b. The 9 month NAVPERS 1070/621 extension agreement, operative on or about 18 December 2009, is null and void.


c. The petitioner was discharged 30 September 2006 and reenlisted on 1 October 2006. The term is 3 years.

d. This change will entitle the member to a zone "C" SRB with an award level of 4.5 for the HM(8425) rate/NEC. Remaining obligated service to 17 December 2006 will be deducted from SRB computation. Remaining obligated service beyond the 16 year active date will not be included in the SRB calculation. The petitioner's zone "B" overpayment should be adjusted from the zone "C" entitlement.

e. A copy of this Report of Proceedings will be filed in Petitioner's naval record.


4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that 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.

ROBERT D. ZSALMAN  
Recorder

  
WILLIAM J. HESS, III  
Acting Recorder

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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

15 November 2006

  
W. DEAN PFEIFFER  
Executive Director