DEPARTMENT OF THE NAVY



BOARD FOR CORRECTION OF NAVAL RECORDS 2 NAVY ANNEX

WASHINGTON DC 20370-5100

DJC Docket No. 1940-08 24 March 2009

Chairman, Board for Correction of Naval Records From:

To: Secretary of the Navy

REVIEW OF NAVAL RECORD ICO Subj:

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

(1) DD Form 149 w/attachments Encl:

(2) NPC Memo 1160 Ser 811/021 dtd 8 Jan 09

(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 establish entitlement to a zone "A" Selective Reenlistment Bonus (SRB) and to establish an earlier effective advancement date.
- The Board, consisting of Mr. Pfeiffer, Mr. Zsalman, and Mr. George, reviewed Petitioner's allegations of error and injustice on 23 March 2009 and, pursuant to its regulations, determined that the partial 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.
- 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.
- In correspondence attached as enclosure (2), the office having cognizance over the Petitioner's entitlement to a zone "A" Selective Reenlistment Bonus (SRB) has commented to the effect that the request has merit and warrants favorable action. The office having cognizance over the Petitioner's advancement date has commented to the effect that the request has partial merit extending back to the September 2005 advancement cycle (Cycle 188) because that was the first advancement cycle after Petitioner was converted to the IT rating.

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:

- The 13 month NAVPERS 1070/621 extension agreement, operative on or about 4 August 2008, is null and void.
- The Petitioner executed a 1 month NAVPERS 1070/621 extension agreement, operative on or about 4 August 2009.
- c. The reenlistment executed on or about 4 August 2006 is for a term of 3 years, vice 2 years.
- d. This change will entitle the member to a zone "A" SRB with an award level of 1.5 for the IT rate. Remaining obligated service to 8 August 2006 will be deducted from SRB computation.
- e. The Petitioner was advanced to Petty Officer Second Class effective 16 March 2006 vice 16 January 2007.
- f. That so much of Petitioner's request for corrective action as exceeds the foregoing be denied for the reasons stated above.
- q. A copy of this Report of Proceedings will be filed in Petitioner's naval record.
- 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

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.

24 March 2009

v. DEAN PFEIFR

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