



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

DJC
Docket No. 805-09
14 July 2009

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

Subj: REVIEW OF NAVAL RECORD ICO
[REDACTED]

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

Encl: (1) DD Form 149 w/attachments
(2) NPC Memo 1160 Ser 811/303 dtd 11 May 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 reestablish entitlement to a zone "B" and "C" Selective Reenlistment Bonus (SRB).

2. The Board, consisting of Mr. George, Mr. Pfeiffer, and Mr. Exnicios, reviewed Petitioner's allegations of error and injustice on 13 July 2009 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 Petitioner executed a 17 month NAVPERS 1070/621 extension agreement, operative on or about 15 April 2003.

b. The Petitioner executed a 23 month NAVPERS 1070/621 extension agreement, operative on or about 15 September 2004.

c. The Petitioner's Administrative Remarks Form (NAVPERS 1070/613) dated 22 November 2002 reflects that he voluntarily agreed to further extend his enlistment for 4 months (school), operative on or about 15 August 2006.

d. The Petitioner was discharged and reenlisted on 1/2 September 2004, vice on or about 21/22 November 2002. The term is 4 years.

e. This change will entitle the member to a zone "B" SRB with an award level of 5.0 for NEC 5320. Remaining obligated service to 14 September 2004 will be deducted from SRB computation.

f. The 9 month NAVPERS 1070/621 extension agreement, operative on or about 22 November 2008, is null and void.

g. The Petitioner was discharged and reenlisted on 31 August/1 September 2008, vice on or about 30 September/1 October 2008. The term is 3 years.

h. This change will entitle the member to a zone "C" SRB with an award level of 8.0 for NEC 5326. Remaining obligated service beyond the 16 year active date will not be included in the SRB calculation.

i. Petitioner's command must submit the tax free data code to DFAS for determination of tax free eligibility.

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

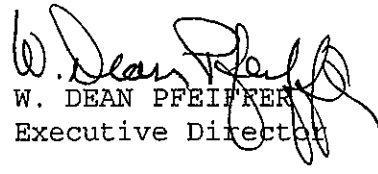
4. It is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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.

14 July 2009


W. DEAN PFEIFFER
Executive Director