



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

DJC
Docket No. 7080-09
27 October 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) NAVADMIN 050/09 of 10 February 2009
(3) Reenlistment Request Form
(4) NPC Memo 1160 Ser 811/673 dtd 13 Oct 09
(5) 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 "B" Selective Reenlistment Bonus (SRB).

2. The Board, consisting of Mr. Pfeiffer, Mr. Zsalman, and Mr. George, reviewed Petitioner's allegations of error and injustice on 26 October 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 early 2009, applicant was a Missile Technician Second Class (MT2) on active duty with an End of Obligated Service (EAOS) date of 16 July 2009.

c. On 10 February 2009, NAVADMIN 050/09 was published announcing Selective Reenlistment Bonus (SRB) award levels for Active and Reserve component personnel. The NAVADMIN listed an award level of 2.5 for members with a MT/33XX rating who reenlist in zone B. Under the guidance announced by NAVADMIN 050/09, "Commands must submit SRB requests via OPINS (Officer Personnel Information System) 35-120 days in advance of the sailor's EAOS or reenlistment date to ensure the

approval or disapproval message will reach the sailor's command and the Defense Finance and Accounting Service before the reenlistment date." See enclosure (2).

d. On 25 February 2009, the member received Permanent Change of Station orders with an expected detachment month of July 2009. Petitioner was required to obligate for additional service (OBLISERV) through September 2012 in order to execute the homeport change associated with the PCS orders.

e. On 26 February 2009, Petitioner submitted a reenlistment request form to his Command Career Counselor for routing through the chain of command. He requested authorization to reenlist on 20 April 2009 for a term of 6 years.

f. Petitioner "followed up" on his reenlistment request on multiple occasions. However, the request was "lost in routing."

g. On 7 April 2009, Petitioner's Command submitted the SRB request into OPINS.

h. On 8 April 2009, because the OPINS request was submitted only 13 days prior to his requested reenlistment date, Petitioner's request to reenlist for SRB was disapproved.

i. On 30 June 2009, Petitioner submitted another reenlistment request form to his Command Career Counselor for routing through the chain of command. He requested authorization to reenlist on 1 July 2009 for a term of 6 years. Enclosure (3).

j. On 1 July 2009, the member reenlisted for a term of 6 years. The member did not receive a Selective Reenlistment Bonus (SRB) for the reenlistment.

k. On 6 July 2009, Petitioner submitted an application to this Board averring, essentially, that the failure to submit his initial SRB request into OPINS 35 days in advance of his requested reenlistment date was through no fault of his own and should be attributed to a failure of his command. To bolster his application, he submitted a letter from his commanding officer which states that the initial reenlistment request was "lost in routing." He further stated that Petitioner is a "top performer" who "made a good faith effort to reenlist, but due to the request being lost...he effectively lost \$35,000 in SRB."

l. By enclosure (4), the Navy Personnel Command has provided a recommendation that no relief be granted. NPC reasons that the SRB request was not entered into OPINS at least 35 days in advance of the requested reenlistment date as required by the governing NAVADMINS. The advisory opinion also notes that "If his request had been

submitted in OPINS in a timely manner, he would have been eligible to reenlist for an SRB."

CONCLUSION

Upon review and consideration of all the evidence of record, and notwithstanding the opinion expressed in enclosure (4), the Board finds the existence of an injustice warranting corrective action. The Board relied heavily on the following factors: The member submitted his initial reenlistment request to his command on 26 February 2009, the day after he received his PCS orders. This request was submitted well ahead of his EAOS (of 16 July 2009), well ahead of his requested reenlistment date (of 20 April 2009) and well ahead of his estimated detachment month (of July 2009). His command was unable to process his reenlistment request into OPINS in a more timely manner because the reenlistment request was "lost in routing." If the reenlistment request had not been lost and if the SRB request had been entered into OPINS by 16 March 2009, Petitioner would likely have been authorized to reenlist on 20 April 2009 for a bonus with an award multiple of 2.5. The delay in submitting the SRB request into OPINS in a timely manner was not attributable to the Petitioner. Under these circumstances, the Board was of the opinion that the member should not be penalized for the inability of his command to submit the request into OPINS earlier and that relief should be granted to authorize the payment of an SRB.

RECOMMENDATION:

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

a. Petitioner's command submitted a request via OPINS prior to 16 March 2009 seeking authorization for Petitioner to reenlist on 20 April 2009 for an SRB.

b. The Navy Personnel Command approved the request to reenlist for an SRB.

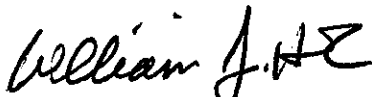
c. Petitioner was discharged and reenlisted on 19/20 April 2009, vice on or about 30 June/1 July 2009. The term is 6 years.

d. This change will entitle the member to a zone "B" SRB with an award level of 2.5 for the MT/33XX rate/NEC. Remaining obligated service to 16 July 2009 will be deducted from SRB computation.

e. 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. The foregoing action of the Board is submitted for your review and action.

27 October 2009


W. DEAN PFEIFFER
Executive Director

Reviewed and approved.


Acting AGC (MARA)
11-17-09