



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

DJC
Docket No. 7496-09
15 Dec 09

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) CNP Memo 1530 Ser N133D/000352 dtd 23 Nov 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 "D" Enlisted Supervisor Retention Program (ESRP).

2. The Board, consisting of Mr. Pfeiffer, Mr. Zsalman, and Mr. George, reviewed Petitioner's allegations of error and injustice on 14 December 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 42 month agreement to extend enlistment (NAVPERS 1070/621), operative on or about 20 August 2008, is null and void.
- b. The Petitioner executed a 12 month agreement to extend enlistment, (NAVPERS 1070/621) operative on or about 20 August 2008.
- c. The Petitioner executed a 23 month agreement to extend enlistment, (NAVPERS 1070/621) operative on or about 20 August 2009.
- d. The Petitioner executed on 9 July 2007 an Administrative Remarks (NAVPERS 1070/613); fulfilling a 7 month agreement to extend enlistment operative on or about 20 July 2011. This will satisfy the petitioner's obligated service requirement for BUPERS Orders 1207.
- e. The Petitioner was discharged on 26 July 2009 and reenlisted, on 27 July 2009. The term is 4 years.
- f. This change will entitle the member to a zone "D" ESRP with an award level of 1.5 for NEC 3365. Remaining obligated service to 19 August 2009 will be deducted from SRB computation. Contact N133D3 for contract calculation regarding initial and future fiscal year payments, and funding information.
- g. 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

Docket No. 7496-09

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 Dec 09



W. DEAN PFEIFFER
Executive Director