



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

DJC
Docket No. 9253-09
17 Feb 10

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 1530 SER N133D/000383 dtd 4 Feb 10
(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 show he reenlisted.

2. The Board, consisting of Mr. Exnicios, Mr. Zsalman, and Mr. George, reviewed Petitioner's allegations of error and injustice on 16 February 2010 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 was discharged on 22 September 1996 and reenlisted, on 23 September 1996. The term is 6 years.

b. This change will entitle the member to a zone "A" SRB with an award level of 4.5 for NEC 3385.

c. The Petitioner's previous zone "B" SRB payment should be adjusted to reflect recent zone "A" entitlement.

d. The Petitioner was discharged on 28 May 2001 and reenlisted, on 29 May 2001. The term is 6 years.

e. This change will entitle the member to a zone "B" SRB with an award level of 6.5 for NEC 3395. Remaining obligated service to 22 September 2002 will be deducted from SRB computation.

f. The Petitioner's previous zone "C" SRB payment should be adjusted to reflect recent zone "B" entitlement.

g. The Petitioner was discharged on 30 November 2006 and reenlisted, on 1 December 2006. The term is 4 years.

h. This change will entitle the member to a zone "C" ESRP with an award level of 8.0 for NEC 3395. Remaining obligated service to 28 May 2007 will be deducted from ESRP computation.

i. The Petitioner's previous zone "D" ESRP payment should be adjusted to reflect recent zone "C" entitlement.

j. The 5 month agreement to extend enlistment (NAVPERS 1070/621), operative on or about 1 December 2009, is null and void.

k. The Petitioner was discharged on 3 April 2009 and reenlisted, on 4 April 2009. The term is 4 years.

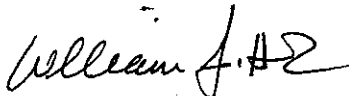
l. This change will entitle the member to a zone "D" ESRP with an award level of 1.5 for NEC 3395. Remaining obligated service to 30 November 2010 will be deducted from ESRP computation.

m. DFAS, contact CNO (N133D) at (703) 695-1276/3301 if you require assistance in the ESRP contract calculations and adjustments for immediate and future fiscal year payments.

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

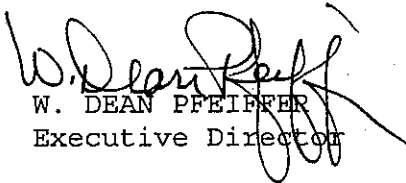
4. It is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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.

17 Feb 10


W. DEAN PFEIFFER
Executive Director