



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

TRG
Docket No: 3148-02
13 May 2002

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

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

Encl: (1) DD Form 149 w/attachments
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a commissioned officer in the Naval Reserve filed enclosure (1) with this Board requesting that his record be corrected by changing the narrative reason for separation and Separation Program Designator (SPD) assigned at the time of his discharge from enlisted status.

2. The Board, consisting of Mr. Lippolis, Mr. Dunn and Mr. Beckett, reviewed Petitioner's allegations of error and injustice on 7 May 2002 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. Enclosure (1) was filed in a timely manner.

c. Petitioner reenlisted in the Navy on 14 June 1996 for six years and was paid a selective reenlistment bonus (SRB) of \$7,364.80. He was then paid in an initial installment of \$3,682.40 and additional installments of \$736.48. He was honorably discharged on 23 April 2001 for the purpose of being commissioned an ensign in the Naval Reserve. At that time, he had completed 10 years, 3 months and 8 days of active duty. Petitioner was commissioned an ensign on 24 April 2001 and is now a student at the Naval School of Health Science.

d. The DD Form 214 issued on 23 April 2002 to reflect his change of status, states that he was released from active duty

with a narrative reason for release of "Intradepartmental Transfer" with an SPD code of "MGQ, and an RE-R1 reenlistment code.

e. Petitioner has submitted evidence that the Defense Finance and Accounting Service (DFAS) is attempting to collect \$1,572.70 of the unearned portion of his SRB, which occurred because of his early discharge from enlisted status. Apparently, the narrative reason for discharge and SPD code assigned requires collection.

f. Petitioner contends that the narrative reason for separation should have been "accept commission or warrant in same branch of service" with an SPD code of "KGM". He has been told that with this narrative reason, recoupment of the unearned portion of the SRB would not be required. The requested change to the record is supported by the Commanding Officer, Naval School of Health Sciences. Department of Defense, Financial Management Regulations state that a reenlistment bonus will not be recouped if an individual is discharged to accept a commission.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that Petitioner was discharged to accept a commission, and the DD Form 214 does not reflect this fact. Since it was clearly improper to require recoupment of the SRB, the Board concludes that Petitioner's DD Form 214 should be corrected to show that he was honorably discharged on 23 April 2001 with an SPD code of KGM (block 26), reenlistment code of RE-2 (block 27), and a narrative reason for separation of "accept commission or warrant in same branch of service" (block 28).

The Board further concludes that this Report of Proceedings should be filed in Petitioner's enlisted record so that all future reviewers will understand the reason for the changes in the record.


RECOMMENDATION:

a. That Petitioner's naval record be correcting blocks 26, 27 and 28 of the DD Form 214 issued on 23 April 2001 to read "KGM", "RE-2", and "accept commission or warrant in same branch of service", respectively, vice the SPD, reenlistment code and narrative reason now of record.

b. That this Report of Proceedings be filed in Petitioner's naval record.

4. It is certified that a 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



ALAN E. GOLDSMITH
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.



For W. DEAN PFEIFFER
Executive Director