



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

TRG
Docket No: 3539-02
23 July 2003

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 22 July 2003. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 31 August 1999 at age 24. You then extended that enlistment for 12 months in order to receive a \$2,000 enlistment bonus. Because you had a three year old daughter, your custody arrangements had to be approved prior to enlistment. You satisfactorily completed initial training and reported to the USS ENTERPRISE (CVN 65). On 22 June 2000 you indicated that you could not comply with the provisions of the Family Care Plan certificate.

Subsequently, you requested discharge because you had no one to care for your daughter. On 12 September 2000 you were notified of separation processing due to parenthood. In connection with this processing, you elected to waive your procedural rights. On 26 September 2000 your commanding officer recommended transfer to shore duty or discharge. After review, the discharge authority directed an honorable discharge and you were so discharged on 12 January 2001. It was directed that all existing indebtedness be recouped.

If you had been separated by reason of hardship or physical disability, recoument of the enlistment bonus would not be

required. The Military Personnel Manual states that a hardship discharge will not be authorized solely because of parenthood and inability to comply with the Family Care Plan Certificate.

You have submitted documentation showing that your mother was diagnosed with cancer and could no longer care for your daughter. You state that you were told by the command that recoupment of your enlistment bonus would not be required. You believe it is unjust for the Defense Finance and Accounting Service (DFAS) to be attaching your income tax refunds to reduce your indebtedness.

The Board noted that you were paid the enlistment bonus with the expectation that the Navy would get a return on its investment. Further, you were aware that the demands of military life would place a strain on your family situation. Although it is unfortunate that your mother became ill, it is clear that your situation did not meet the criteria for a hardship discharge. Therefore, the Board concluded that a change in the reason for discharge to hardship to stop recoupment of the enlistment bonus was not warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,


W. DEAN PFEIFFER
Executive Director