



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

[REDACTED]  
Docket No. 7973-07  
24 Nov 08

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 November 2008. 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. In addition, the Board considered the advisory opinion furnished by CNO memo 1160 Ser N130D2 of 25 Aug 08, a copy of which is attached.

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. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. 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 also 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,  
[REDACTED]

Enclosure



DEPARTMENT OF THE NAVY  
OFFICE OF THE CHIEF OF NAVAL OPERATIONS  
2000 NAVY PENTAGON  
WASHINGTON, D.C. 20350-2000

1160  
Ser N130D2/  
25 August 2008

From: MEMORANDUM FOR DIRECTOR, BOARD FOR CORRECTIONS OF NAVAL RECORDS

Subj: REQUEST FOR ADVISORY OPINION ICO [REDACTED]

Ref: (a) OPNAVINST 1160.8A, "Selective Reenlistment Bonus (SRB) Program"  
(b) OPNAVINST 1900.4  
(c) MILPERSMAN 1910-120  
(d) PDUSD(P&R) Memorandum, Repayment of Unearned Portions of Bonuses, Special Pay, and Educational Benefits or Stipend

Encl: (1) BCNR Case No. 07973-07

1. According to documents received by N130D, former [REDACTED] has been discharged from the Navy with the separation code HFV defined as a "Condition not a Disability". He has requested that recoupment of his SRB be stopped.

2. In accordance with reference (a), Navy does not recoup the unearned portion of a bonus from members discharged for "condition not a disability;" however, DOD Policy Memorandum, dated May 21, 2008 established modified DOD policy guidance on Repayment of Unearned Portions of Bonuses, Special Pay, and Educational Benefits or Stipend. Based upon this memorandum, the Secretary of the Navy has the discretion to render a case by case determination of the member's repayment in cases of member separations that do not fall under Chapter 61, such as this. N130D recommends disapproval of [REDACTED] request that recoupment of his SRB be stopped. His HFV separation code does not exempt him from recoupment of the unearned portion of his SRB debt. N130D also recommends that DFAS review his contract and verify the recoupment amount. Former [REDACTED] is not entitled to receive any remaining SRB payments.

3. BCNR case file with CD service record is returned herewith as enclosure (1).

4. I am the POC for this case. Contact me at comm. [REDACTED] or by email: [REDACTED] for instructions [REDACTED]