



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

MEH
Docket No. 5310-08
14 Oct 08

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) CNO memo 7220 Ser N130G1/08U0750 of 7 Oct 08
(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 cancel an erroneous recoupment of the Career Status Bonus (CSB); and to establish entitlement to full Separation Pay.

2. The Board, consisting of Messrs. Exnicios, George, and Pfeiffer, reviewed Petitioner's allegations of error and injustice on 14 October 2008 and, pursuant to its regulations, determined that the corrective action indicated below should be taken regarding the recoupment of the unearned portion of the Career Status Bonus. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.¹

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

¹ With respect to the request for full separation pay, please be advised that separation pay is governed by OPNAVINST 1900.4, which provides that persons in your situation who are discharged for the convenience of the government are entitled to "half" separation pay. In some special cases, the Secretary of the Navy (SECNAV) may award full separation pay (vice half) to individuals who have "extraordinary" circumstances. You must exhaust all administrative measures before any action can be considered by the Board. Since you have already been discharged, if you believe you meet the "extraordinary circumstance" test under OPNAVINST 1900.1, you may submit a written request for "full" vice "half" separation pay to the Assistant Secretary of the Navy (Manpower and Reserve Affairs) via the office of the Chief of Naval Operations, Code N130, 2000 Navy Pentagon, Washington DC 20350-2000. You should provide full justification as to why you believe you are entitled to full separation pay and include a copy of this letter. Should you not obtain the desired relief you may ask the Board to reopen your case.

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 pertaining to recoupment of the unearned portion of the Career Status Bonus warranting the following corrective action.

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:

a. The recoupment of his Career Status Bonus (CSB) in the amount of \$24,516.68 was erroneous. Petitioner served 2 years, 8 months, and 2 days beyond his 15th year anniversary and the amount recouped should have been prorated. Accordingly, he is entitled to a refund of approximately \$10,516.68.

b. That so much of his request as exceeds the foregoing be denied.

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

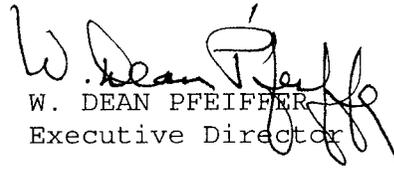
4. It is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true complete record of the Board's proceedings in the above entitled matter.

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.

14 October 2008


W. DEAN PFEIFFER
Executive Director