



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

WJH
Docket No: 9996-09
15 Mar 10

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

Subj: [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 w/attachments
(2) BUMED ltr 1000 Ser M1/10UM1106 of 27 Jan 2010
(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 that Petitioner incurred only one year of obligated service for her participation in the loan repayment program in 2006.

2. The Board, consisting of Messrs. Pfeiffer, Zsalman, and George reviewed Petitioner's allegations of error and injustice on 15 March 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. The Health Professions Loan Repayment Program (HPLRP) provides an incentive for active duty medical personnel to

extend their active duty commitment through the payment of professional educational loans.

c. In 2006, Petitioner received conflicting information about the term of service which she would be required to perform in order to qualify for the repayment of her professional educational loans.

d. In March 2006, Petitioner submitted a HPLRP service agreement wherein she agreed to extend on active duty for one year commencing in August 2007 in order to qualify for the repayment of her professional educational loans.

e. Petitioner later learned that the term of her agreement to extend on active duty was "changed" from "one year" to "two years" by representatives of the Navy Medicine Manpower Personnel Training and Education Command. The change was made because the Navy's instruction governing the HPLRP requires a recipient to extend on active duty for two years. However, there is no evidence that Petitioner was advised of this change.

f. Petitioner subsequently executed Pharmacy Officer Special Pay agreements effective August 2007 and October 2008. Those agreements also require the recipient to extend on active duty for a specified term.

g. Petitioner is seeking to have the record corrected to show that she incurred only one year of obligated service for her participation in the loan repayment program.

h. 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. Petitioner incurred only one year of obligated service for her participation in the loan repayment program in 2006.

b. Petitioner's new Obligated Service Date for acceptance of the HPLRP payment combined with the subsequent Pharmacy Officer Special Pay payments will be "October 2011" vice "October 2012."

c. That so much of Petitioner's request for corrective action as exceeds the foregoing be denied.

d. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6 (c) 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.

15 March 2010


W. DEAN PFEIFFER
Executive Director