



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

JET
Docket No. NR4153-13
23 Mar 15

[REDACTED]

[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 23 March 2015. 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 opinions furnished by BUMED ltr 7220 M1/13UM10166 of 28 October 2013, CNPC memo of 29 May 2014, CNPC memo of 4 September 2014, and BUMED ltr 7220 Ser M1/15UM1-2615 of 10 February 2015, copies of which are attached.

The Board members also considered your request for a personal appearance; however, they found that the issues in the case were adequately documented and that a personal appearance would not materially add to the Board's understanding of the issues involved. Thus, your request for a personal appearance was denied.

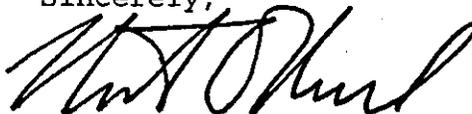
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In making this determination, the Board generally concurred with the comments contained in the advisory opinion. In 2009, you made the decision not to fulfill the service obligation associated with the MSP/MSIP payments from a 2006 agreement. This occurred after you were informed that an error was made by the Navy in computing your original service obligation because of a failure to properly account for a Health Professions Loan Repayment Program obligation. After discovering your new service obligation would extend your service in the Navy past the date originally stated by the Navy, you chose to not accept the corrected service obligation date. As a result, the Navy

ordered the MSP/MSIP funds recouped. You sought a waiver to the recoupment decision which was denied by the Assistant Secretary of the Navy (Manpower and Reserve Affairs).

The Board considered the evidence you provided that the recoupment of funds had a negative impact in your life. However, the lack of evidence in the record that shows any actual financial loss was compelling to the Board. In essence, the Board felt you received payments for an obligation you did not fulfill and the Navy's action to make you repay the payments did not equate to material error or injustice. While the Board was sympathetic to your case, without evidence of actual financial loss, the Board felt relief was not warranted. Accordingly, your application was 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 evidence within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in this case. 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,



ROBERT J. O'NEILL
Executive Director

Enclosures