



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

DG
Docket No. 1207-21
Ref: Signature Date



Dear [REDACTED],

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 9 November 2021. The names and votes of the members of the panel will be furnished upon request. 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, relevant portions of your naval record and applicable statutes, regulations, and policies. In addition, the Board considered the advisory opinion contained in Bureau of Medicine and Surgery letter 5740 Ser M34/21UM31510 of 10 May 2021 and your counsel's response to the opinion dated 12 August 2021.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

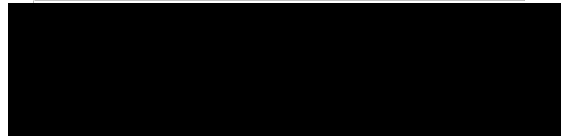
You requested an indebtedness waiver or remission for education benefits received from the Health Professions Scholarship Program (HPSP). The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that relief was not warranted upon review of your record and applicable policies. Specifically, in accordance with Office of the Chief of Naval Operations Instruction 1520.39A, a member or former member will repay to the Government an amount equal to the unearned portion of the benefit received after the member fails to satisfy the previously agreed upon requirements. Additionally, the Department of Defense Financial

Management Regulations 7000.14-R. indicates, educational costs of HPSP are subject to recoupment when members of HPSP are dropped for deficiency in conduct or studies, or when members, for other reasons, fail to fulfill their contractual agreement as a result of action not initiated by the government. Moreover, the Board noted request to correct missing or incomplete medical records to validate claims regarding preexisting condition is not under the Board's purview. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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.

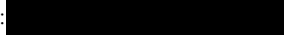
Sincerely,

12/15/2021

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Deputy Director

Signed by:

A black rectangular redaction box covering the name of the Deputy Director.