



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

[REDACTED]  
Docket No. 587-22  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN RET,  
XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552  
(b) DoDI 1304.29 of 15 Dec 04  
(c) OPNAVINST 1160.8A of 30 Jan 07  
(d) DoD 7000.14-R FMR Volume 7A Chapter 2

Encl: (1) DD Form 149 w/attachments  
(2) CMSB memo 1160 Ser B328/012 of 31 Jan 22  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to establish Petitioner's Selective Retention Bonus (SRB) payments received prior to his transfer to the Temporary Disability Retirement List (TDRL) were not subject to recoupment.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 10 March 2022 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, relevant portions of Petitioner's naval record, 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. In accordance with reference (b), under the following conditions or circumstances, repayment of an unearned portion of a bonus shall not be required, or repayment shall be waived if waiver is statutorily authorized: Injury or illness of the Service member was not the result of the Service member's misconduct.

c. On 1 September 2005, Petitioner entered active duty.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN RET,  
XXX-XX-[REDACTED]

d. In accordance with reference (c), If a member becomes ineligible for an SRB for any of the reasons below, payments will stop, but recoupment of payments already received will not be required: Disability, injury, or illness not the result of misconduct or willful neglect, or not incurred during a period of unauthorized absence.

e. On 15 December 2014, Petitioner reenlisted for 6 years with an EAOS of 14 December 2020. Furthermore, in accordance with the Master Military Pay Account Petitioner received a zone "B" SRB with an award level of 2.5 (\$33,900.29). Petitioner has been paid to date \$19,461.28.

f. On 21 August 2018, Petitioner was issued official retirement orders (BUPERS order: 2338) while stationed in [REDACTED] with an effective date of departure of September 2018. Petitioner's place of home of election was [REDACTED] with an effective date of separation 28 September 2018.

g. In accordance with reference (d), use of Separation Designator Codes (SPD) in Effecting the Repayment of Unearned Portion of Bonuses and Other Benefits SPD codes are used to track and analyze the reasons that Service members separate from military service and to assist in the review, development, and monitoring of separation policies and programs. Additionally, SPD codes are used to ensure standardized pay actions are consistent with separation policies.

h. On 27 September 2018, Petitioner was honorably transferred to the Temporary Disability Retired List with a SPD code of SFK (Past SRB payments stand and further payments are halted).

i. 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. The Board concluded that Petitioner was transferred to the TDRL and in accordance with reference (c), SRB payments will stop, but recoupment of payments already received will not be required if a member becomes ineligible for an SRB due to disability, injury, or illness not the result of misconduct or willful neglect, or not incurred during a period of unauthorized absence. Furthermore, Petitioner's SPD code of SFK authorizes Past SRB payments stand and further payments are halted. The Board determined that an audit of Petitioner's financial record will be conducted to verify his entitlement to past payments.

## RECOMMENDATION

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN RET,  
XXX-XX-[REDACTED]

Defense Finance and Accounting Service (DFAS) will complete an audit of Petitioner's records to determine if Petitioner is due any back pay.

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

4. It is certified that a 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.

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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

4/12/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]