



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

██████████  
Docket No. 3962-22  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████ ██████████  
██████████

Ref: (a) 10 U.S.C. § 1552  
(b) OPNAVINST 1160.9  
(c) COMNAVCRUITCOM msg 212313Z Oct 10

Encl: (1) DD Form 149 w/attachments  
(2) DD Form 4/1, 2 Nov 10  
(3) Annex A, 2 Nov 10  
(4) DD Form 1966  
(5) Annex B, 6 Jan 11  
(6) Enlistment Bonus SOU, 16 May 11  
(7) Member Data Summary  
(8) NAVPERS 1070/621, 16 May 11  
(9) NAVPERS 1070/613, 12 Apr 12  
(10) BUPERS Order: 1182, 27 Apr 12  
(11) History of Assignments  
(12) BUPERS Order (Modification): 1182, 10 Jul 12  
(13) BUPERS Order: 3033, 30 Oct 13  
(14) Advisory Opinion by Navy Recruiting Command, 17 Aug 22  
(15) BCNR 30 day notification to Advisory Opinion, 18 Aug 22

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 entitlement to Enlisted Bonus for Source Rate (EBSR).

2. The Board, reviewed Petitioner's allegations of error and injustice on 27 October 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 enclosures (1) through (15), relevant portions of Petitioner's 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, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

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[REDACTED]

a. On 2 November 2010, Petitioner enlisted in the Naval Reserve for a term of 8 years of which 4 years was considered an active duty obligation. NAVCRUIT 1133/52, Enlistment Guarantees – Annex “A” listed Cryptologic Technician – Collection (CTR/SG) Class “A” School Guarantee.<sup>1</sup> Projected Active Duty Service Date (ADSD): 26 July 2011. Enclosures (2) through (4).

b. On 6 January 2011, Petitioner reclassified and issued NAVCRUIT 1133/52, Enlistment Guarantees – Annex “B” listing Advanced Technical Field Special Warfare Operator (ATF/SO 6YO) Challenge Program; and Enlistment Bonus for Source Rate (EBSR)<sup>2</sup> - \$20,000.<sup>3</sup> ADSD changed to 15 August 2011 and subsequently changed again to 16 May 2011.

Petitioner signed NAVCRUIT 1133/102, Enlistment Bonus Statement of Understanding that indicated, “I understand that I must remain fully qualified for the program/rating in which I am enlisting throughout the entire term of my initial enlistment to include the time prior to receipt of my enlistment bonus. Failure to maintain all eligibility requirements at any point during this enlistment could result in either voiding my enlistment bonus entitlement or in recoupment of monies that have already been paid to me.”

Enclosures (4) through (6).

c. On 16 May 2011, Petitioner entered active duty and signed a 24-month extension. Enclosures (7) through (8).

d. On 9 July 2011, Petitioner completed Recruit Basic Military Training. Enclosure (7).

e. On 12 April 2012, Petitioner “was dropped from SEAL/SWCC training class [REDACTED] this date for Performance reasons. Based on the decision of suitability review board; member may reapply for further SEAL/SWCC training after a minimum of TWO (2) years, however acceptance back into training will be based on the needs of the community and members length of service at the time of submission. Member received 12 weeks of training.” Enclosure (9).

f. On 27 April 2012, Petitioner issued BUPERS Order: 1182 (Official Change Duty Orders) to Naval Technical Training Center (NTTC) [REDACTED] Air Force Base (AFB) for temporary duty under instruction. Enclosure (10).

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<sup>1</sup> No Enlisted Bonus for Source Rate (EBSR) for this program.

<sup>2</sup> Reference (b), an enlistment bonus will be used to encourage initial enlistments in critical ratings, skills, or programs characterized by difficulty in attracting adequate accessions to meet accession objectives set by Director, Military Personnel, Plans and Policies Division (OPNAV (N13)). Since the bonus is not an entitlement and is subject to annual budget constraints, classifiers and recruiters must use enlistment bonuses in the most cost-effective manner and should only offer an enlistment bonus to a recruit or reclassifying member if additional incentive is needed. Members must complete all pipeline training for and continue in the contracted rating skill, or program to be eligible to receive the enlistment bonus. Once training has started a change in rating, skill, or program will normally terminate a member’s eligibility for EB tied to a specific rating, skill, or program. However, the member may remain eligible for any previously contracted enlistment bonus that is not tied to a specific rating, skill, or program.

<sup>3</sup> Reference (c) applied to future Sailors entering the Delayed Entry Program (DEP) on or after 1 November 2010. Active Duty Recruits entering DEP in the Special Warfare Operator (SO) rating that shipped in October through September were eligible for \$20,000 upon completion of SEAL Qualification Training (SQT).

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[REDACTED]

g. On 27 May 2012, Petitioner reported to NTTC [REDACTED] AFB for temporary duty for temporary duty under instruction. Enclosure (11).

h. On 10 July 2012, Petitioner issued BUPERS Order: 1182 (Official Modification Change of Duty Orders) with Ultimate Activity of Naval Base [REDACTED] for duty. Enclosure (12).

i. On 20 July 2012, Petitioner completed the Master-At-Arms (MA) Class "A" School and designated the MA rating. Enclosure (7).

j. On 28 July 2012, Petitioner reported to Naval Base [REDACTED] for duty. Enclosure (11).

k. Petitioner advanced to MA3/E-4 effective 4 January 2013. Enclosure (7).

l. On [REDACTED], Petitioner issued BUPERS Order: 3033 (Official Change Duty Orders) to Naval Special Warfare Basic SEAL/SWCC Training, for duty under instruction (DUIN) via Pre-Basic Underwater Demolition for temporary DUIN. Enclosure (13).

m. Petitioner was assigned to Basic Training Command SEAL/SWCC for DUIN from [REDACTED] through [REDACTED] and [REDACTED] through [REDACTED] Enclosure (11).

n. On 16 June 2014, Petitioner advanced to MA2/E-5. Enclosure (7).

o. On 17 April 2015, Petitioner completed SQT and awarded the Special Warfare Operator NEC O26A effective 1 April 2015. Enclosure (7).

p. On 27 April 2015, Petitioner reported to SEAL TEAM [REDACTED] for duty in the rate/rank of Special Warfare Operator Second Class (SO2)/E-5. Enclosures (7) and (11).

q. On 17 August 2022, Navy Recruiting Command (NRC) provided an unfavorable advisory opinion to enclosure (1). NRC recommended disapproval based on being dropped from SEAL/SWCC training and reclassification. Enclosure (14).

r. On 18 August 2022, Petitioner was provided a copy of NRC advisory opinion for an opportunity to submit a rebuttal, but did not do so. Enclosure (15).

## CONCLUSION

Upon review and consideration of all the evidence of record, and despite the contents of enclosure (14), the Board finds the existence of an injustice warranting the following corrective action. In this regard, the Board determined Petitioner completed the arduous training and earned a critical skillset needed by the Navy, thereby entitled to the \$20,000 EBSR. Moreover, the Board felt Petitioner was entitled to the EBSR regardless of his initial performance drop from Basic SEAL/SWCC Training that resulted in reclassification into the MA rate and serving in the Fleet as a MA for almost 2 years before returning to SEAL/SWCC training. The Board

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[REDACTED]

concluded Petitioner might have lacked understanding of the regulations and procedures, therefore, under these circumstances, relief is warranted.

RECOMMENDATION

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

An exception to policy authorized Petitioner to be issued NAVCRUIT 1133/52, Enlistment Guarantees – Annex "C" on 27 April 2012 listing Option (1) Master-At-Arms Class "A" Guarantee; and Option (2) Enlistment Bonus for Source Rate (EBSR) for SO rating upon completion of SQT - \$20,000 Bonus.

This change will entitle Petitioner to receive \$20,000 EBSR upon completion of SQT on 1 April 2015.

Note: Defense Finance and Accounting Service will complete an audit of Petitioner's pay records to determine retroactive bonus payment entitlement.

That a copy of this report of proceedings 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. The foregoing action of the Board is submitted for your review and action.

11/9/2022

[REDACTED]

Executive Director

From: Assistant General Counsel (Manpower and Reserve Affairs)

Reviewed and Approved Board Recommendation (Grant Relief)

Reviewed and Approved Advisory Opinion Recommendation (Deny Relief)

[REDACTED]

Assistant General Counsel (M&RA)

[REDACTED]