



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

██████████
Docket No. 4084-22
Ref: Signature Date

██████████
████████████████████
██████████

Dear ██████████

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.

A three-member panel of the Board, sitting in executive session, considered your application on 6 October 2022. 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 also considered the advisory opinion by Headquarters, U. S. Marine Corps memorandum 1400/3 AXE-8 of 10 August 2022, which was previously provided to you. You were afforded an opportunity to submit a rebuttal, but did not do so.

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.

On 21 September 2009, you entered active duty. On 16 February 2011, you were assigned primary military occupational Specialties (PMOS) 7257. On 18 June 2013, you were assigned additional MOS of 7252.

In accordance with MCO 7220.24P published on 21 October 2016, a person is not eligible for an Selective Retention Bonus (SRB)/Broken Service SRB (BSSRB) if the person was discharged or released from active duty or service in an active status based on a determination of misconduct, substandard duty performance, or moral or professional dereliction.

Repayment Policies. A Marine who does not complete the term of enlistment or extension of enlistment or who is not technically qualified in the PMOS for which the SRB/BSSRB was paid will be subject to the repayment provisions in DoD Financial Management Regulation, Volume 7A, Chapter 2, July 2014.

On 24 March 2017, you arrived to ██████████ for duty as a Recruiter (MOS 8411). On 24 July 2018, your Careerist Active Duty Reenlistment request was submitted, and was approved by Headquarters, U.S. Marine Corps on 23 August 2018. On 31 August 2018, you reenlisted for 4 years and 2 months with an End of Current Contract (ECC) of 31 October 2022. You received a zone “B” SRBP for \$32,000 (\$12,000 for MOS 7257, and \$20,000 for Air Traffic Control (ATC) kicker.

On 25 October 2019, you were assigned billet designator 8014. On 28 October 2019, a Change Primary Duty Pending Relief was assigned.

On 3 September 2020, you were subject to a Special Court-Martial and found guilty for violation of Article 93a. On 28 October 2020, Convening Authority’s action: “In the Special Court-Martial case of United States v. ██████████, U.S. Marine Corps, the sentence is approved and, except for the part of the sentence extending to a Bad-Conduct Discharge, will be executed. The ██████████, is designated as the initial place of confinement.”

On 11 March 2022, you signed an Administrative Remarks (NAVMC 118 (11) that you have been informed by my Commanding Officer that you are not recommend for reenlistment by reason of misconduct due to commission of a serious offense and have been assigned a reenlistment code of RE-4.

In accordance with DoD 7000.14-R FMR Volume 7A, Chapter 2. Disposition of Unearned Portions of Bonuses, Special Pay, Educational Benefits, or Stipends. If a member under a written agreement for a pay or benefit does not fulfill the service conditions for the pay or benefit under any other circumstances, then repayment of the unearned portion of the pay or benefit will be sought, unless the Secretary of the Military Department concerned, at some point in the process makes a case-by-case determination that to require repayment of an unearned portion of the pay or benefit would be contrary to a personnel policy or management objective, against equity or good conscience, or contrary to the best interest of the United States. Any unpaid portion of the bonus, special pay, or student loan repayment under 10 U.S.C. or 37 U.S.C. will not be paid unless the Secretary of the Military Department concerned, at some point in the process, makes a case-by-case determination that to refrain from paying an unpaid portion of the pay, benefit, or student loan would be contrary to a personnel policy or management objective, against equity or good conscience, or contrary to the best interest of the United States.

You were discharged with a Bad Conduct character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 21 September 2009 to 13 April 2022 for Court Martial (Other). Furthermore, you were listed as having time lost during this period for 23 days (4 September 2020 to 26 September 2020).

