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

[redacted]
Docket No. 5601-22
Ref: Signature Date

[redacted]

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 22 September 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 Branch Head, Community Management Support Branch memorandum 1160 Ser B328/084 of 9 August 2022, which was previously provided to you. You were afforded an opportunity to submit a rebuttal, but did not do so.

In accordance with MILPERSMAN 1160-040 published 16 February 2017—Payback Computation table for the 5/6-YO Training Program disenrollees must only be used for 5/6-YO students disenrolled from training for months of service obligation to be incurred (payback) in return for training. If the table shows a requirement to serve a greater number of months than the original extension, then the original extension remains in effect. For 19 weeks of instruction, payback is 13 months.

On 27 February 2017 you entered active duty for 4 years with an end of active obligated service (EAOS) of 26 February 2021 and a soft end of active obligated service of 26 February 2023. Furthermore, you signed an Enlistment Guarantees (NAVCRUIT 1133/52) Annex "A" to DD Form 4 dated 14 November 2016 listing the following option: Nuclear Field (NF 6YO) Program, requiring 4 years active duty obligation and a voluntary extension of 24 months to meet the

rating. Additionally, an Enlistment Bonus for Source Rate $12,000 Bonus. Finally, you acknowledged under paragraph 4: if you are dis-enrolled for any reason not specified in paragraph 3, you lose that guarantee and at the Navy's option, remain subject to continued naval service. If given accelerated advancement, post-apprentice training, or any enlistment incentive, you may incur additional service as required by regulation.

On 16 September 2017 you were advanced to MM3/E-4 due to rating change.

You were issued an active Special Evaluation Report & Counseling Record (NAVPERS 1616/26) for the period of 12 August 2017 to 8 February 2018 stating that you had been dropped from the Nuclear Power Program during the 19th week of training due to not meeting required academic standards.

On 6 September 2022 you were issued official separation orders (BUPERS order: 2492) while stationed in [redacted] with an effective date of departure of September 2022. Your place elected for travel was [redacted] with an effective date of separation 26 February 2023. On 10 September 2022 you transferred from [redacted].

You requested to have 12 months of your 24-month extension of enlistment canceled and have your EAOS reflect 26 February 2022 rather than 26 February 2023. 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 you were required to execute a 12-month extension of enlistment for advancement and another for training in the nuclear field. In accordance with the Annex "A" to DD Form 4 dated 14 November 2016, you incurred additional service because you received accelerated advancement. Furthermore, although you dis-enrolled from the Nuclear Power Program, you are required to pay back the time spent for 19 weeks of training. In accordance with MILPERSMAN1160-040, the payback for 19 weeks of instruction is 13 months. 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,

9/30/2022

[redacted]

Deputy Director

Signed by: [redacted]