



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

██████████
Docket No. 5932-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████, USN,
XXX-XX-██████████

Ref: (a) Title 10 U.S.C. § 1552
(b) COMNAVCRUITCOM msg 312259Z Jan 19
(c) MILPERSMAN 1510-030
(d) MILPERSMAN 1440-011
(e) OPNAVINST 1160.9A

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by NRC, 4 Nov 22
(3) Advisory opinion by CMSB BUPERS-328, 23 Jan 23
(4) 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 show reinstatement of Naval Aircrewmen Tactical Helicopter rate or cancel 24-month extension of enlistment, and the remission of debt for Enlistment Bonus for Source Rate.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 28 February 2023 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, 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:

a. In accordance with reference (b), applied to future Sailors initially classified or reclassified (change in program, rate or ship date) on or after 1 February 2019. Active Component Recruits in the Advanced Technical Field Aircrew – Rescue Swimmer program that shipped in October through September of any fiscal year were eligible for \$36,000 upon graduation from Naval Aircrew Candidate School, “A” school, Fleet Replacement Squadron training, and after arrival at the first permanent duty station (PDS).

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b. Per reference (c), if advanced training was received in the Advanced Technical Field program, and the member was advanced to E-4, but subsequently reduced in rate (RIR) and or disenrolled from the program, then the extensions of enlistment are not cancelled.

c. Reference (d) specifies “For the purpose of forced conversion, the Service member’s signature and or concurrence is not required on NAVPERS 1306/7, Enlisted Personnel Action Request.”

d. Reference (e) indicates, “a Service member who is paid an enlistment bonus will be required to repay any unearned portion of the bonus in the event the Service member fails to fulfill the conditions of eligibility, service, or assignment.”

e. On 24 January 2020, 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 Hospital Corpsman (HM 5YO) Class “A” School Guarantee and Enlistment Bonus for Physical Fitness Assessment (EBPFA) \$2,000.

f. On 27 February 2019, Petitioner signed NAVCRUIT 1133/52 Enlistment Guarantees - Annex "B" which listed Advanced Technical Field Aircrew – Rescue Swimmer (ATF/AIRR 6YO) Challenge Program, Enlistment Bonus for Physical Fitness Assessment (EBPFA) \$2,000 Bonus; Enlistment Bonus for Source Rate (EBSR) - \$36,000 Bonus; and Enlistment Bonus Physical Screening Test (EBPST) - \$2,000 Bonus.

g. Petitioner entered Active Duty on 8 April 2019 and signed NAVCRUIT 1133/102, Enlistment Bonus Statement of Understanding. By signing the Enlistment Bonus Statement of Understanding, Petitioner acknowledged, “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 eligibility requirement at any point during this enlistment could result in either voiding my EBSR entitlement or in recoupment of monies that have already been paid to me.”

h. On 15 April 2019, Petitioner signed NAVPERS 1070/621, Agreement to Extend Enlistment for a term of 24-months to meet the rating, school and program guarantee active duty obligation requirement.

i. Petitioner completed Recruit Basic Military Training on 8 June 2019.

j. On 11 December 2020, Petitioner completed Multi Mission Helicopter Aircrewman training course and awarded Navy Enlisted Classification (NEC) G11A effective 1 December 2020.

k. On 18 December 2020, Petitioner advanced to Naval Aircrewmen Tactical Helicopter Third Class (AWR3)/E-4.

l. On 10 February 2021, Petitioner reported to his first PDS at Helicopter Maritime Strike Squadron [REDACTED] [REDACTED]

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m. On 22 June 2021, Petitioner received non-judicial punishment due to violation of Uniformed Code of Military Justice Article 107 – False Official Statement and RIR to AWRAN/E-3.

n. On 26 July 2021, Navy Personnel Command released a message approving Petitioner’s disqualification for duty involving flying due to Commanding Officer loss of confidence. The message also required the removal of Petitioner’s G11A NEC, rescinded authority to wear aircrew breast insignia, and directed force conversion to another rating. Thereafter, Petitioner force converted to Retail Services Specialist Seaman (RSSN)/E-3.

o. On 11 May 2022, Petitioner’s Master Military Pay Account record reflects \$36,000 debt posted to his account.

p. In September 2022, Petitioner participated in Cycle 256 Navy Wide Advancement Exam and selected for advancement to RS3/E-4.

q. In Advisory opinion, attached as enclosures (2) and (3), the offices having cognizance over the subject matters addressed in Petitioner’s application have recommended partial favorable action regarding remission of ESBP debt and recommended disapproval to cancel the extension.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an error warranting the following corrective action. The Board concluded because Petitioner received the advanced training and advanced to AWR3/E-4, the extension remains valid per reference (c). Additionally, Petitioner’s force conversion to the Retail Services Specialist rating was completed in accordance with reference (d), therefore, ineligible to be reinstated to AWRAN/E-3. However, the Board determined Petitioner met the criteria to receive a portion of the EBSR as outlined in reference (e). Therefore, the Board felt that under these circumstances, partial relief is warranted.

RECOMMENDATION

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

Petitioner’s bonus recoupment was effective 26 July 2021; the date NEC G11A was removed.

Note: Defense Finance and Accounting Service will complete an audit of Petitioner’s pay records to determine correct amount of EBSR recoupment.

The part of Petitioner’s request for corrective action that exceeds the foregoing is denied in accordance with references (c) through (e).

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

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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.

4/19/2023

[REDACTED]

Deputy Director

Signed by [REDACTED]