



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

[REDACTED]
Docket No. 6755-22
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552
(b) COMNAVCRUITCOMINST 1130.8K, July 2016
(c) COMNAVCRUITCOM Msg, subj: Active Component Enlistment Bonus (EB) and Enlistment Loan, dtg 252100Z JUL 19

Encl: (1) DD Form 149 w/attachments
(2) DD Form 1966, Record of Military Processing – Armed Forces of the United States, 19 September 2019
(3) DD Form 4/1, Enlistment/Reenlistment Document – Armed Forces of the United States, 25 September 2019
(4) NAVCRUIT 1133/52, Enlistment Guarantees, Annex A to DD Form 4, 25 September 2019 (in OMPF)
(5) NAVCRUIT 1133/52, Enlistment Guarantees, Annex A to DD Form 4, 25 September 2019 (not in OMPF)
(6) NAVCRUIT 1133/75, Statement of Understanding Loan Repayment Program, 25 September 2019
(7) Member Data Summary
(8) Training Education and Qualification History
(9) DD Form 2475, DOD Educational Loan Repayment Program (LRP) Annual Application, 2 March 2020 (10 Separate Forms)
(10) Navy Recruiting Command Memo 1133 Ser N35, subj: Advisory Opinion ICO [Petitioner], 30 November 2022
(11) Petitioner’s Letter, 16 December 2022

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, hereinafter referred to as the Board, requesting that his naval record be corrected to pay loans as stated on contract through the Loan Repayment Program (LRP).¹

2. The Board reviewed Petitioner’s allegations of error or injustice on 24 January 2023 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on Petitioner’s naval record. Documentary material considered by the Board included the

¹ As the Board does not “pay loans,” this request was interpreted as a request to correct Petitioner’s record to enable the payment of his student loans through the LRP.

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enclosures, relevant portions of Petitioner's naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all of the evidence of record pertaining to Petitioner's allegations of error or injustice, found as follows:

a. Before applying to the Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. On 19 September 2019, Petitioner signed a DD Form 1966. His recruiter listed "Advanced Electronics Field – Advanced Electronics Computer Field" six-year option (AEF/AECF6YO) as the specific option/program that he enlisted for in block 32a of the form. Also hand-written into this block was the following information: "EDSR [Enlisted Bonus for Source Rate]: \$10,000 EBCC [Enlisted Bonus for College Credit]: \$8,000 EBPFA [Enlisted Bonus for Physical Fitness Assessment]: \$2,000 LRP."² See enclosure (2).

c. On 25 September 2019, Petitioner enlisted in the Naval Reserve for a term of eight years, of which four were considered an active duty obligation. See enclosure (3).

d. A NAVCRUIT Form 1133/52 signed by both Petitioner and his classifier on 25 September 2019 listed the same bonuses described in paragraph 3b above (EBSR - \$10,000, EBCC - \$8,000, and EBPFA - \$2,000) is filed in Petitioner's official record. This form does not, however, list LRP, as did enclosure (2). See enclosure (4).

e. Petitioner provided a different version of enclosure (4) with his application which included LRP among his enlistment options, for up to \$65,000. This version was not found in Petitioner's official military personnel file. See enclosure (5).

f. Petitioner also provided a NAVCRUIT Form 1133/75 (Statement of Understanding (SOU) Loan Repayment Program), signed by both him and his recruiter on 25 September 2019, in which he acknowledged that he was enlisting for the U.S. Navy Enlisted LRP incentive option. This SOU states, "I have submitted with my LRP package a DD Form 2475, DoD Educational Loan Repayment Program (LRP) Annual Application, from each of my lenders showing all of my Title IV or PLUS loans, where I am listed as the dependent. I understand that only these loans will be considered in the calculation of my LRP incentive. I further understand that no other loans will be considered if they are not submitted with this package." See enclosure (6).

g. Petitioner's entered active duty pursuant to his above referenced enlistment on 18 December 2019. See enclosure (7).

h. On 15 February 2020, Petitioner completed Recruit Basic Training. See enclosure (8).

i. On 2 March 2020, Petitioner signed 10 separate DD Forms 2475 (DOD Educational LRP Annual Application) pertaining to 10 educational loans held by Cornerstone Education Loan

² There was no dollar amount assigned to LRP on this form.

Services.³ Each of these loans was previously certified by the signature of an official of Cornerstone Education Loan Services on 30 October 2019. See enclosure (9).

j. On 10 September 2020, Petitioner completed the Electronics Technician Combined “A” School. See enclosure (8).

k. Petitioner’s application for the LRP was subsequently denied.

l. Petitioner claims that the LRP was one of the main reasons that he enlisted in the Navy, and that due to no fault of his own the paperwork was not submitted by the recruiter to initiate the process when he signed his contract on 25 September 2019. See enclosure (1).

m. By memorandum dated 30 November 2022, the Navy Recruiting Command (NRC) provided an advisory opinion (AO) for the Board’s consideration recommending that Petitioner’s application be denied. In making this recommendation, the AO noted that, in accordance with reference (b), “the LRP application is complete when the applicant selects the LRP option during the classification process, provides all items listed on the LRP WORKSHEET to the NAVCRUITCOM LRP Manager, and receives final approval for enrollment into the LRP via PRIDE.” Petitioner signed the DD Forms 2475 at enclosure (9) on 2 March 2020, well after his accession on to active duty on 18 December 2019. As such, Petitioner never received final approval into the LRP program. See enclosure (10).

n. By letter dated 16 December 2022, Petitioner provided a response to the aforementioned NRC AO. In this response, he questioned how he, as a civilian recruit at the time, would know what deadlines needed to be met or what forms needed to be submitted if not through the recruiter. He further notes that, while the DD Forms 2475 were signed on 2 March 2020, he signed enclosures (4) and (5) on 25 September 2019. Petitioner also claimed that the LRP was the primary reason that he enlisted so that he could get himself out of financial hardship and better support his family. He also claimed that his recruiter had him sign some documents along with the DD Form 2475, but when he tried to turn in the DD Forms 2475 he was “told that [he] would be taken care of after Boot Camp.” He did not know any better, and wasn’t aware of any deadlines; he trusted that his recruiter’s guidance was correct. Finally, Petitioner asserted that the Navy’s failure to honor the LRP should not be his burden to bear. He claims that he followed the instructions and orders of his recruiter, like any new recruit should do, and that this has been an awful time for him both financially and mentally without knowing whether his reason for joining the Navy in the first place was for nothing. See enclosure (11).

CONCLUSION:

Upon careful review and consideration of all the evidence of record, the Board found an injustice warranting relief.

While the Board acknowledged that Petitioner did not submit his documentation for his LRP application in accordance with the requirements of reference (b), it agreed with the Petitioner that it was not reasonable to expect that he, as a civilian recruit, would know of his requirements

³ The combined outstanding balances of these 10 loans totaled \$26,098.39.

in this regard. Recruits are expected to do what their recruiters tell them, and it is reasonable for a recruit to trust the representations made by their recruiter. In this case, the evidence clearly reflects that Petitioner enlisted in the Navy with the expectation of LRP. His recruiter signed the enclosures (2), (5), and (6), which reflected Petitioner's participation in the LRP. Finally, Petitioner clearly met the criteria for participation in the LRP.⁴ The evidence also supports Petitioner's claim that he attempted to submit his DD Forms 2475 prior to his accession but was erroneously advised that his LRP processing would be taken care of when he completed boot camp. Specifically, Petitioner obtained the signature of an official from the institution holding his loans upon each of his 10 DD Forms 2475 on 30 October 2019, prior to his entry on active duty. This fact, along with the fact that Petitioner submitted his DD Forms 2475 on 2 March 2020, just two weeks after completing basic training, lent credibility to Petitioner's claim in this regard.

The Board believed that Petitioner was failed by the recruiting personnel, who failed to properly inform Petitioner of the necessary documentation and deadlines to ensure his receipt of the very incentive that they offered to obtain his enlistment. The Board also believes it likely that this failure resulted in the filing of enclosure (4) in Petitioner's official record without the listing of LRP, rather than enclosure (5) which did include LRP. Enclosure (4) was inconsistent with both enclosure (2) and enclosure (6), so the Board found enclosure (5), which was provided by Petitioner but not filed in his official record, to be credible. In this regard, the Board did not presume malfeasance by recruiting personnel, but rather assumed mistakes and/or misunderstandings on their part. As such, the Board found a clear injustice in the denial of this benefit. It was incumbent upon his recruiter to ensure that Petitioner clearly knew of the requirements to obtain the benefit which enticed his enlistment in the first place, and the Board believed that Petitioner would have submitted the required documentation in a timely manner if he had received such guidance. Accordingly, the Board determined that Petitioner's record should be corrected to remove this injustice and to provide him the benefit to which he is entitled and for which he enlisted.

RECOMMENDATION:

In view of the above, the Board recommends that Petitioner's naval record be corrected as follows:

That the NAVCRUIT Form 1133/52 (Annex A to DD Form 4) present in Petitioner's naval record be amended to include Option 5: LRP – Up to \$65,000.

That this decision be considered an exception to the requirement of reference (b) that Petitioner had to complete his LRP application prior to his accession on active duty, made on behalf of the Secretary of the Navy. With this exception to policy, Petitioner's submission of his LRP documentation is to be considered timely and supported by the reference to LRP in his enlistment contract.⁵

⁴ Reference (c) lists the Navy ratings and programs eligible for LRP for recruits accessed to active duty on or before 31 May 2020. The "AECF-AEF" rating for which Petitioner enlisted was among those eligible. Further, reference (c) provides that those individuals who have LRP specified in their enlistment contract are eligible for LRP.

⁵ Petitioner must contact the NRC LRP Program Manager at cnrc_lrp-eb@navy.mil to complete this process.

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That a copy of this record 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.

3/14/2023

[REDACTED]

Executive Director

ASSISTANT GENERAL COUNSEL (MANPOWER AND RESERVE AFFAIRS) DECISION:

- Board Recommendation Approved (Grant Relief – I concur with the Board's recommendation and direct the relief recommended by the Board above.)
- Board Recommendation Disapproved (Deny Relief – I do not concur with the Board's recommendation. Rather, I agree with the AO provided by NRC, and do not find the existence of any injustice warranting relief. Accordingly, I direct that no corrective action be taken on Petitioner's naval record.)

4/21/2023

[REDACTED]

Assistant General Counsel (M&RA)

Signed by: [REDACTED]