

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

> Docket No. 7864-22 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 23 February 2023. 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 Bureau of Medicine and Surgery (BUMED) memorandum of 19 December 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.

You requested to establish entitlement to retroactive Incentive Pay (IP) upon completing medical school (2018) and while in residency (2020). The Board, in its review of relevant portions of your naval record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that you did not complete the process outlined in Chief of Naval Operations Instruction 7220.17 to garner Internship IP or Residency IP and you do not meet the criteria to request retroactive processing. Specifically, the policy requires Commanding Officers to provide a detailed and specific explanation for all IP requests not endorsed within 30 days of the requested effective date. A review of you records indicates you received counseling from BUMED regarding your eligibility for IP and the submission requirements on 15 June 2018 and 9 January 2020. However, there is no record of you submitting request for

Internship/Residency-IP until June 2021, after completing your internship and right before completing your residency in August 2021. On 29 July 2021, BUMED denied the aforementioned requests for IP based on untimely submission. 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.

	3/10/2023
Deputy Director	

Sincerely,