



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

[REDACTED]
Docket No. 8006-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD IC [REDACTED]
[REDACTED] USMC

Ref: (a) Title 10 U.S.C. § 1552
(b) MARADMIN 572/07
(c) MARADMIN 765/07
(d) MARADMIN 075/08
(e) DODI 1205.21

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by HQMC (RAP), 28 Nov 22
(3) 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 establish entitlement to the Fiscal Year 2008 (FY08) Selected Marine Corps Reserve (SMCR) Enlistment Bonus (EB) per reference (b).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 26 January 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. Reference (b) outlined the criteria to process and receive the FY08 SMCR EB. Two of the criterion included, enlist between 1 October 2007 and 30 September 2008; and enlist under the Reserve Optional Enlistment Program (ROEP) with a 6X2 obligation and complete the required training for assignment to a Primary Military Occupational Specialty (PMOS) listed in the message. PMOS 0481 – Landing Support Specialist was listed. Additionally, the message specified the reasons recoupment would not occur, which included "is commissioned or accepts an appointment in the Selected Reserve and has served 1 year of his incentive obligation."

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b. Reference (c) stipulated that at the time the National Defense Authorization Act for FY08 had not been signed and as a result the authority to pay bonuses and incentives was expiring on 31 December 2007. Effective 1 January 2008, bonuses, and incentives were suspended to include the SMCR Enlisted Affiliation Bonus (EAB). Reference (d), restored the authority to pay FY08 SMCR EAB effective 29 January 2008.

c. In accordance with reference (e), members must refund a prorate amount of the bonus to the government when separated from the "Selected Reserve for any reason (including enlistment or voluntary or voluntary order to active duty in the active forces)." However, recoupment is not required "When a member becomes a simultaneous member of an authorized officer commission program or accepts an immediate appoint as an officer in a Reserve component and, in either case, has served more than 1 year of the incentive contract term following receipt of the initial incentive payment."

d. On 30 January 2008, Petitioner enlisted in the U.S. Marine Corps Reserve (USMCR) for a term of 8-years and signed Statement of Understanding Upon Enlistment of the Marine Corps ROEP, acknowledging 6-years in the SMCR inactive duty training status and 2-years in the Individual Ready Reserve.

e. On 16 April 2008, Petitioner joined to Initial Active Duty for Training (IADT).

f. On 27 September 2008, Petitioner awarded PMOS 0481 - Landing Support Specialist; released from IADT; and joined to the SMCR on 28 September 2008.

g. On 5 October 2008, Petitioner signed DD Form 368, Request for Conditional Release to join the U.S. Marine Corps (USMC) Platoon Leader Course (PLC); the request was approved.

h. On 30 October 2008, Petitioner enlisted in the USMCR PLC program.

i. On 3 July 2009, Petitioner joined to Officer Candidate School (OCS).

j. On 8 December 2010, Petitioner was disenrolled from PLC and continued drilling with USMCR.

k. On 21 September 2013, Petitioner joined to OCS.

l. On 26 November 2013, Petitioner was commissioned into the USMC.

m. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following

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corrective action. The Board concluded Petitioner met the criteria to receive the FY08 SMCR EB in accordance with references (b) and (d) with an understanding that reference (e) required the EB to be prorated upon transfer to USMC. However, despite reference (e), the Board determined, because of administrative oversight, Petitioner's bonus eligibility was not conveyed or annotated on enlistment documents and he is eligible for the EB without being prorated because the policy lacked specificity in "an authorized officer commission program."

RECOMMENDATION

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

Petitioner's enlistment documents (DD Form 4, Enlistment/Reenlistment Document, and DD Form 1966, Application for Enlistment) dated 30 January 2008 are amended to include entitlement to FY08 SMCR EAB.

Note: Defense Finance and Accounting Service will complete an audit of Petitioner's pay records determine amount of bonus entitlement.

A copy of this Report of Proceedings will 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. 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.

2/14/2023

