

DEPARTMENT OF THE NAVY

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

> Docket No. 7165-23 Ref: Signature Date

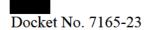
Dear

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 29 February 2024. 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 considered the advisory opinion contained in Bureau of Medicine and Surgery letter 7220 Ser N1/23UNI-2968 of 30 November 2023, which was previously provided to you for comment.

You requested to receive the Fiscal Year 2022 (FY22) Retention Bonus (RB) for Pathology at the rate of \$30,000 per year for 4-years. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that the FY22 Navy Active Component Medical Corps Special Pay Guidance specified that one of the criterion required to receive the RB is to submit a request outlining the period in which the officer agrees to remain on active duty. Additionally, the guidance indicated that the RB is a bonus paid to obligate an officer for a specified period of time (two, three, or four years) authorized under U.S.C. Title 37, Chapter 5 section 355 paragraph (a) (3).

The Board could not find, nor did you provide evidence that Chief of Naval Operations Instruction 7220.17, the FY22 Medical Department Special Pays Administrative Information and/or the FY22 Navy Active Component Medical Corps Special Pay Guidance required officers to wait for orders/tour extensions to apply for the RB. On the contrary, the Board determined the aforementioned guidance provides Medical Corps officers the option to apply for the RB from the time they are prepared to obligate the active duty service.



The Board surmised that you made a choice to wait on your orders before making a decision to continue your Naval career due to having an exceptional family member; therefore, agreed that approval of your RB after the fact undermines the intent of the incentive. In this connection, the Board substantially concurred with the comments contained in the advisory opinion and determined that a change to your record is not warranted.

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,

3/13/2024