



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

██████████
Docket No. 8975-23
Ref: Signature Date

██████████
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████████████████████

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 22 August 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 Navy Pay and Personnel Support Center memorandum 7220 N1 of 1 August 2024, which was previously provided to you for comment.

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 your debt of \$2,976.06 be expunged. 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 Chief of Naval Operations Instruction (OPNAVINST) 1160.9A specifies that repayment of the unearned portion of the bonus will not be sought when a member fails to complete an enlistment bonus (EB) contract in circumstances that include injury or illness, not due to misconduct, that results in separation or retirement for disability under Title 10, U.S. Code, Chapter 61. Commander, Navy Recruiting Command message 252100Z July 2019 outlines the eligibility for EBs. The EB limit is \$40,000. If the sum of the EBs exceed \$40,000, EB for Source Rate (EBSR) will be reduced to maintain total EB at \$40,000. The

aforementioned message applied to future Sailors initially classified or reclassified on or after 25 July 2019. Active component recruits in the Nuclear Field program that shipped in October through September of any fiscal year were eligible for \$38,000 EBSR. Additionally, active component recruits in any program that shipped October through September of any FY were eligible for \$2,000 EB for Physical Fitness Assessment (EBPFA) and \$4,000 EB for College Credit (EBCC) for completion of 48-71 semester hours from a postsecondary accredited institution. The message directed attention to OPNAVINST 1160.9A for EBSR payment guidance but indicates EBPFA and EBCC are considered earned upon graduation of Recruit Training Command and may not be recouped due to reclassification or separation.

A review of your record reflects that you enlisted in the Naval Reserve on 3 October 2019 for 8 years of which 4 years was an active duty obligation. Initially, you enlisted under the Advanced Electronics Computer Field program and signed NAVCRUIT 1133/102, EB Statement of Understanding (SOU) outlining your eligibility for a 10,000 EBSR, \$4,000 EBCC, and \$2,000 EBPFA. By signing the EB SOU, you acknowledged “I understand that I must remain fully qualified for the program/rating in which I am enlisting through the entire term of my initial enlistment to include the time prior to receipt of my [EB]. Failure to maintain all eligibility requirements at any point during the enlistment could result in either voiding my EBSR entitlement or in recoupment of monies that have already been paid to me.”

On 7 October 2019, you reclassified into the Nuclear Field program and issued NAVCRUIT 1133/52, Enlistment Guarantees – Annex “B” that required a 4-year active duty obligation and a voluntary extension of 24 months to meet the rating, school, and program requirements. Your Annex “B” also listed eligibility for \$2,000 EBPFA, \$4,000 EBCC, and \$34,000 EBSR. By signing the Enlistment Guarantees – Annex “B” you recognized the conditions that included “I understand that I must be fully qualified at all times throughout my obligated service for all security, professional, military, physical, psychological, and academic requirements of the options guaranteed in the above section, and that my eligibility will be rechecked during recruit training and periodically throughout my enlistment. The Navy will enroll me in the guaranteed options specified above. If, during the periodic reviews of my eligibility, I am found no longer eligible for the options listed above because of information I provided in my enlistment application; because of physical or psychological disqualification; or because of some reason that is not due to my fault, negligence, or conduct, I may choose to be reclassified for an enlistment training program for which I’m qualified, and vacancy exists. In any event, the Navy may, at its option, choose to discharge me.”

You entered active duty on 26 November 2019 and signed the accession portion of your EB SOU accepting the change in program to the Nuclear Field and eligibility to \$34,000 EBSR. After completing Recruit Basic Military Training, you were paid \$6,000 on 23 January 2020 for your EBCC and EBPFA. Upon completion of Nuclear Power School, you were paid a portion of your EBSR in the amount of \$11,220.00 on 4 March 2021. You were awarded Navy Enlisted Classification (NEC) N230 on 1 August 2021 and reported to ██████████ for temporary duty on 15 November 2021. On 19 November 2021, you were paid the remaining portion of your EBSR in the amount of \$22,780.00. On 1 October 2022, you were assigned NEC 774B – Nuclear Propulsion Disqualification and NEC N89X – Surface Ship Nuclear Propulsion Plant Operator-Special Category that identified you were not currently assigned to a nuclear

propulsion plant billet. You submitted a request for “separation based on medical condition which I, and/or my attending physician, believes exists but does not amount to a disability per current Navy guidance” on 13 December 2022. Your request was favorably endorsed by Commanding Officer, [REDACTED] on 3 March 2023 and recommended “Separation by Reason of Convenience of the Government – Medical Conditions not Amounting to a Disability with an Honorable characterization of service.” Commander, [REDACTED] approved your request for separation on 15 March 2023 with an honorable characterization of service, Condition not Amounting to a Disability for your narrative reason for separation and directed recoupment of unearned bonus paid. On 4 April 2023, you were honorably discharged for “Condition not Amounting to a Disability.”

Therefore, after reviewing your entire record and application, the Board substantially concurred with the comments contained in the aforementioned advisory opinion and determined a changed 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,

9/4/2024

[REDACTED SIGNATURE]

Deputy Director

Signed by: [REDACTED]