

## **DEPARTMENT OF THE NAVY**

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

> Docket No. 10542-23 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 19 September 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.

You requested that your debt be overturned due to your contract being only 3 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 your debt was is due to being overpaid an enlistment bonus not because you did not complete your contractual obligation. Commander, Navy Recruiting Command message 290400Z February 2020, outlined the ratings/programs eligible for Enlistment Bonus for College Credit (EBCC), Enlistment Bonus for Physical Fitness Assessment (EBPFA) and Enlistment Bonus for Shipping (EBSHP) and applied to future Sailors initially classified or reclassified on or after 29 February 2020. Specifically, the message authorized Active Component recruits enlisting in any rate/program with a bachelor's degree or greater to receive an \$8,000 EBCC. The EBCC is considered earned upon graduation from Recruit Training Command (RTC) and may not be recouped due to reclassification or separation. Additionally, AC recruits were also eligible for a \$2,000 EBPFA if they passed the baseline Physical Fitness Assessment (PFA) at RTC with a score of Satisfactory-Medium or better and EBSHP only applied to the listed rating/programs; Surface/Seaman Professional Apprenticeship Career Track (PACT) was not listed.

A review of your record reflects that you graduated from 23 July 2019 with a Bachelor of Science Degree in Psychology. On 3 March 2020, you enlisted in the Naval Reserve for 8 years of which 3 years was an active duty obligation. Your NAVCRUIT 1133/53, Enlistment Guarantees – Annex "A" listed the following: Surface/Seaman PACT Program Guarantee; EBCC - \$8,000 Bonus; and EBPFA - \$2,000 Bonus. However, your NAVCRUIT 1133/102, Enlistment Bonus Statement of Understanding and DD Form 1966, Record of Military Processing erroneously authorized entitlement to EBSHP in the amount of \$4,000. You entered active duty on 9 July 2020 and failed the baseline PFA on 28 July 2020, thereby rendering you in eligible for the \$2,000 EBPFA. The Master Military Pay Account system indicates \$12,000 enlistment bonuses were in processed for payment on 25 September 2020. After completing your active duty obligation on 8 July 2023, you were honorably released from active duty and transferred to the Navy Reserve to complete your military service obligation.

The Board determined that you were overpaid by \$4,000, therefore determined that a change to your record is not warranted. You may visit the Defense Finance and Accounting Services Waiver and Remissions website at www.dfas.mil/waiversandremissions for guidance with completing and submitting DD Form 2789, Waiver/Remission of Indebtedness Application.

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.

