



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

██████████  
Docket No. 10705-23  
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 6 June 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 Office of the Chief of Naval Operations memorandum 1533 Ser N133D/082 of 20 February 2024, which was previously provided to you for comment.

In accordance with OPNAVINST 1160.8A, published on 30 January 2007, pro-rata recoupment of the unearned portions of a Selective Reenlistment Bonus (SRB) is required when the member: (1) Loses qualification in the bonus skill (i.e., removal of Navy Enlisted Classification (NEC) or rating designator), except when the loss of qualification results solely from pregnancy.

If a member becomes ineligible for a SRB for any of the reasons below, payments will stop, but recoupment of payments already received will not be required: (1) Disability, injury, or illness not the result of misconduct or willful neglect, or not incurred during a period of unauthorized absence.

On 27 September 2011, you entered active duty. On 1 May 2014, you reenlisted for 6 years with an EAOS of 30 April 2020 and received a Zone A SRB.

On 15 March 2016, your Reporting Senior signed a Regular Evaluation Report and Counseling Record for Petitioner for the period of 16 March 2015 to 15 March 2016. This was a Periodic

report, and you received a promotion recommendation with Significant Problems and recommended for retention.

On 15 March 2017, your Reporting Senior signed a Regular Evaluation Report and Counseling Record for Petitioner for the period of 16 March 2016 to 15 March 2017. This was a Periodic report, and you received a promotion recommendation with Significant Problems and not recommended for retention.

On 24 April 2017, Petitioner's Master Military Pay Account (MMPA) printout listed a SRB with an amount of annual payment 7,500.00, total amount of entitlement of 75,000.00, and total amount of entitlement that has been paid to date 37,500.00 effective 4 April 2018 Zone A SRB. Total paid 60,000.

On 1 February 2018, your Reporting Senior signed a Regular Evaluation Report and Counseling Record for Petitioner for the period of 16 March 2017 to 31 December 2017. This was a Special report, and you received an Early Promote recommendation and recommended for retention.

On 17 May 2018, your Reporting Senior signed a Regular Evaluation Report and Counseling Record for Petitioner for the period of 1 January 2018 to 25 May 2018. This was a Periodic report, and you received an Early Promote recommendation and recommended for retention.

On 11 February 2020, Deputy Chief of Operations (Manpower, Training, and Education) (N133) notified BCNR that upon being prescribed psychotropic drugs on 5 October 2017, you were disqualified from Nuclear Field Duty (NFD). Following inactivation of your NEC, you were converted to a conventional Machinist's Mate. Recoupment is authorized given the medical condition was evaluated in accordance with Bureau of Medicine and Surgery (BUMED) regulation and Secretary of the Navy instruction as a condition vice a disability.

You executed a reenlistment of 6 years for \$75,000.00 in bonus payments under the SRB program, of which you received \$60,000.00. Distribution of earned portions of this payment were executed via an initial installment and subsequent annual installments. You received an initial installment of \$37,500.00 on 1 May 2014. Subsequent annual installments occurred each May, continuing until May of 2017. On 7 October 2016, your NEC was inactivated pending medical evaluation. Your NEC was removed 30 November 2017, with an effective removal date of 7 October 2016, matching the date your NEC was inactivated due to being no longer physically qualified for Nuclear Field. Based on your additional obligated service beginning on 27 September 2015, only 370 days were served, resulting in \$16,818.18 being earned and requiring \$43,181.82 being recouped.

On 5 March 2020, you reenlisted for 4 years with an EAOS of 4 March 2024 and received a Zone B SRB.

On 13 March 2020, your MMPA printout listed a SRB with an amount of annual payment \$2,112.35, total amount of entitlement of \$12,674.14, and total amount of entitlement that has been paid to date \$6,337.07 effective 5 March 2020 Zone B SRB.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application (You requested that repayment of the unearned portion of the bonus not be required.) on 25 March 2020, however your request was denied.

On 8 February 2022, you were issued official change duty orders (BUPERS order: 0392) while stationed in ██████████, ██████████ (██████████), ██████████ with an effective date of departure of February 2022. Your ultimate activity was ██████████ ██████████, ██████████ (██████████), ██████████ for duty – limited duty with an effective date of arrival of 14 February 2022 with a Projected Rotation Date (PRD) of August 2022.

On 14 February 2022, you transferred from ██████████, and arrived to ██████████-██████████ on 14 February 2022 for duty.

On 25 July 2022, you were issued official change duty orders (BUPERS order: 2062) with required obligated service to July 2025, while stationed in ██████████ ██████████, ██████████ (██████████ ██████████), ██████████ with an effective date of departure of September 2022. Your intermediate (01) activity was ██████████, ██████████, ██████████ for temporary duty – under instruction with an effective date of arrival of 4 September 2022. Your ultimate activity was ██████████, ██████████, ██████████ for duty with an effective date of arrival of 4 October 2022 with a PRD of October 2024.

On 4 September 2022, you transferred from ██████████, and arrived to ██████████ ██████████ on 5 September 2022 for temporary duty.

On 4 October 2022, you transferred from ██████████, and arrived to ██████████ ██████████ on 5 October 2022 for duty.

On 21 April 2023, you transferred from ██████████, and arrived to ██████████ ██████████ on 25 April 2023 for duty.

On 18 April 2023, you were issued official change duty orders (BUPERS order: 1082) while stationed in ██████████, ██████████, ██████████ with an effective date of departure of April 2023. Your ultimate activity was ██████████, ██████████ (██████████), ██████████ for duty – limited duty with an effective date of arrival of 25 April 2023 with a PRD of October 2023.

On 7 November 2023, Department of Veterans Affairs (VA) notified you that your military service department requested a disability assessment from VA because you were found unfit for continued military service. This proposed rating decision and letter were based on your claim received on 6 July 2023. They proposed that your total combined rating for service-connected disabilities was 100%.

On 31 January 2024, you were issued official retirement orders (BUPERS order: 0314) while stationed in ██████████, ██████████ (██████████), ██████████ with an effective date of departure of March 2024 from temporary duty – pending separation with an effective date of retirement 23 March 2024.

You were retired with an honorable character of service and were issued a DD Form 214, Certificate of Release or Discharge from Active Duty for the period of 27 September 2011 to 22 March 2024 due to Disability, Permanent.

On 21 May 2024, your MMPA printout listed a Basic Pay “entry close date” of 11 April 2024 effective 22 March 2024.

You requested that repayment of the unearned portion of your 6-year SRB Zone A reenlistment on 1 May 2014 be suspended in light of the VA benefit letter. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. On 1 May 2014, you reenlisted for 6 years and received a Zone A SRB. On 7 October 2016, your NEC was inactivated pending medical evaluation. Your NEC was removed 30 November 2017, with an effective removal date of 7 October 2016. You served only 370 days of obligated service, resulting in \$16,818.18 being earned and requiring \$43,181.82 being recouped. You assert that the VA letter you received confirms that the 100% disability they awarded you for the same diagnoses is evidence that you had a disability and should have not had the unearned portion of your SRB payments recouped and that your remaining payments should have been paid. However, the Board determined that your medical condition was evaluated in accordance with BUMED regulations and the Secretary of the Navy instruction as a condition vice a disability. At the time your NEC was removed, you were still fit for duty, you were reclassified, and continued your Naval service. After two regular evaluations in 2016 and 2017 which listed not recommended for promotion and/or retention, you improved significantly to earn an early promote recommendation for the period of 16 March 2017 to 31 December 2017. Additionally, you were permitted to reenlist for 4 years on 5 March 2020, for which you received a Zone B SRB. The Board could find no evidence that you were disabled at the time your NEC was removed, therefore you are required to repay the unearned portion of the SRB because you lost the qualification in the bonus skill. Furthermore, the Board determined that the VA benefit letter is independent and has no bearing on your separation code and prior Navy debts. 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.

Sincerely,

6/18/2024

