



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

██████████  
Docket No. 147-24  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER ██████████,  
USN, ██████████

Ref: (a) Title 10 U.S.C. § 1552  
(b) OPNAVINST 1160.8B, 1 Apr 19  
(c) Current Career School Listing of 1 Jul 20  
(d) FY21 SRB Award Plan (N13SRB 003/FY21), 19 Feb 21

Encl: (1) DD Form 149 w/attachments  
(2) Advisory Opinion by OCNO memo 1533 Ser N133D/024, 1 Feb 24  
(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 show that the recoupment of repayment of the unearned portion of the Selective Reenlistment Bonus (SRB) was stopped.

2. The Board, consisting of ██████████, ██████████ and ██████████ reviewed Petitioner's allegations of error and injustice on 25 July 2024 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. On 28 June 2017, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 27 June 2021 and Soft EAOS (SEAOS) of 27 June 2023; "[t]raining in the Nuclear Field. MILPERSMAN 1510-030 and MILPERSMAN 1306-500,1306-502, and 1306-504 (NF) are governing directives. Advancement to Rate and Grade per MILPERSMAN 1430-010. I understand that this extension of active service becomes binding upon execution, and thereafter may not be canceled, except as set forth in MILPERSMAN 1160-040 and 1510-030. In particular, I understand that when I accept advancement to E4, 12 months of this agreement may not be canceled whether or not I complete Nuclear Power or Advanced Training."

b. In accordance with reference (b), "...except as provided in subparagraph 15b and 15c, a Service member who is paid SRB will be required to repay any unearned portion of the bonus in the event the Service member fails to fulfill the conditions of eligibility, service, or assignment. Receipt

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of a payment after having a qualifying SRB rating or NEC removed (i.e., found not medically qualified but receives an anniversary installment after determination of qualification has been removed) is an erroneous payment and will be recouped. As the program manager and per this instruction, OPNAV (N130) is delegated the authority to make these repayment determinations. However, this delegation cannot be below the O-6 or equivalent level.

Situations requiring pro-rata repayment of the unearned portion and cancellation of future payment(s) of an SRB include but are not limited to reasons listed in subparagraphs 15a (1) through 15a (8). (8) Separation for a medical condition not amounting to a disability.”

c. In May 2019, Petitioner was awarded Navy Enlisted Classification (NEC) N140.

d. On 21 May 2019, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 7 June 2019 for duty.

e. In accordance with reference (c), rating-NEC EMN-N140/N240 (Nuclear Propulsion Plant Operator - A-661-0013 6 years 1 Electrical) with an OBLISERV of 6 years was listed with the following notes: MPM 1160-100 outlines the OBLISERV requirements for STAR program reenlistment.

f. In accordance with reference (d), FY21 SRB Award Plan (N13SRB 003/FY21), a Zone “A” SRB with an award level of “5.5” (100,000-dollar award ceiling) for the EMN(SS)/N140 rate/NEC was listed.

g. On 24 March 2021, Petitioner signed a command career request (NPPSC 1160/1) requesting a 6-year reenlistment effective 26 March 2021 and SRB. Petitioner’s request was approved 25 March 2021 by cognizant authority.

h. On 25 March 2021, [REDACTED] issued Petitioner an Administrative Remarks (NAVPERS 1070/613) listing, “[r]eenlisted this date for 6 years and entitled to SRB based on rating/NEC: EMN3/N140 SRB Zone A. The total SRB entitlement is \$80484.79 First installment of \$40242.39 authorized for payment. Member acknowledges that approval of advance or remaining amount of payments is not automatic but is dependent on funds available and hardship relative to others requesting similar payment.

I fully understand that continued entitlement to unpaid SRB installments may be terminated and a pro-rated portion of advance bonus payments, including lump sum payments, may be recouped if I am considered not technically qualified in the rating/NEC. the rating/NEC designator is removed from my records, and current/further assignment in that military specialty is precluded for any of the following reasons within my control:

Should I refuse to perform certain duties required for effective performance in the military specialty when I have volunteered for such duties in writing prior to accepting the bonus: or  
Should disciplinary action be taken against me under the UCMJ or upon civil court conviction when such action renders me unqualified for future performance in the military specialty; or

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Should injury, illness or other impairment resulting from misconduct as established through existing line of duty determination procedures interfere with effective performance in my military specialty; or Should I have my minimum-security clearance withdrawn, loss of qualification under the Personnel Reliability Program (PRP). or loss of any other mandatory qualification require for effective performance in the military specialty, when such withdrawal or loss in voluntary or caused by my own misconduct, and results in my removal from the military specialty.”

i. On 26 March 2021, Petitioner reenlisted for 6 years with an EAOS of 25 March 2027 and was eligible for a Zone A SRB. Furthermore, NSIPS/ESR (Member Data Summary) shows Petitioner was advanced to HM2/E-5 “STAR Program as Authority for Advance.”

j. On 30 January 2023, Petitioner was issued official change duty orders (BUPERS order: 0303) while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of August 2023. Petitioner’s intermediate (01) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 19 September 2023. Petitioner’s ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 22 February 2024 with a Projected Rotation Date (PRD) of February 2027.

k. On 21 June 2023, Petitioner was issued official modification to change duty orders (BUPERS order: 0303) while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of August 2023. Petitioner’s ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 31 August 2023 with a PRD of August 2026.

l. On 28 July 2023, Navy Enlisted Classification (NEC) change request (NAVPERS 1221/6) was initiated requesting Petitioner be issued NEC N59X. Amplifying Remarks: “NEC removal due to ongoing medical treatment. Member is assigned TAD to [REDACTED].” Certifying Officer signed on 4 August 2023.

m. In July 2023, Petitioner was awarded NEC N59X.

n. On 18 September 2023, Petitioner was issued official cancellation to change duty orders (BUPERS order: 0303).

o. On 20 November 2023, NSIPS shows the status of a 72-month reenlistment dated 31 May 2021 and Zone A SRB as “Cancel.”

p. On 24 November 2023, Chief, Bureau of Medicine and Surgery notified Commander, Navy Personnel Command (PERS 403) that, “[b]ased on a review of the available medical information, enclosure (1), the subject member DOES NOT meet the established physical standards for Submarine and Nuclear Field Duty due to personality disorder, self-injurious behavior, and suicidal behavior. A waiver of the physical standards for Submarine Duty IS NOT recommended. A waiver of the physical standards for Nuclear Field Duty IS NOT recommended.” Waivers were not granted by cognizant authority on 14 December 2023.

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q. On 9 January 2024, Petitioner was issued official separation orders (BUPERS order: 0094) while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of January 2024. Place elected for travel: [REDACTED], [REDACTED] with an actual date of separation of 12 January 2024.

r. Petitioner was discharged with an Honorable character of service and was issued a DD Form 214, Certificate of Release or Discharge from Active Duty for the period of 28 June 2017 to 12 January 2024 due to condition, not a disability.

s. In the advisory opinion, 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 partial 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 partial corrective action. The Board concluded that on 26 March 2021, Petitioner reenlisted for 6 years and was eligible for a Zone A SRB in the amount of \$80,484.79. Additionally, he was advanced under the authority of the STAR Program, however his contract is not designated as a STAR reenlistment. An NSIPS request was never made for this reenlistment, therefore this bonus was never awarded. NSIPS displays a canceled contract originally commencing on 31 May 2021 for 6 years. Petitioner received a Zone A SRB for the 31 May 2021 reenlistment, which was also cancelled, creating a debt. Petitioner made payments monthly towards the debt until his discharge. Petitioner was issued a special category NEC on 28 July 2023 and was discharged on 12 January 2024. The Board determined that Petitioner was eligible for and should have been paid a Zone A SRB in conjunction with his 26 March 2021 reenlistment. When paid out properly, Petitioner would have earned the SRB from 28 June 2021, the first day of additional obligated service, to 28 July 2023, the day he was issued a special category NEC. Because Petitioner has paid a portion of the debt already, any payment he receives from the Board's recommended changes to his record will be applied to the remainder of his debt, and Petitioner is to receive any remaining amount, if any.

## RECOMMENDATION

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

Petitioner executed an immediate reenlistment contract (NAVPERS 1070/601) on 26 March 2021 for a term of 6 years and listed "Career designated under MILPERSMAN 1160-100."

Note: This change will entitle the member to a Zone "A" SRB with an award level of "5.5" (100,000-dollar award ceiling) for the EMN(SS)/N14O rate/NEC. Remaining obligated service to 27 June 2021 will be deducted from SRB computation.

Note: The Defense Finance and Accounting Service will complete an audit of Petitioner's records to determine the amount of SRB earned from 28 June 2021 until 28 July 2023 and apply it to his outstanding debt and determine amounts due, if any.

A copy of this report of proceedings will be filed in Petitioner's naval record.

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No further changes be made to 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 titled 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.

9/9/2024

[REDACTED]