



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

██████████
Docket No. 1653-24
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 17 October 2023. 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 23 February 2024 and your response to the opinion.

You requested your debt of \$3,817 be expunged, payment of the remainder of the full bonus (\$10,000) and relief awarding full educational benefits. 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 Commander, Navy Recruiting Command message 021411Z January 2018 outlined the eligibility for Enlistment Bonus for Source Rate (EBSR) and Enlistment Bonus for Shipping (EBSHP). This message applied to future Sailors initially classified or reclassified on or after 20 December 2017. Active component recruits in the Operations Specialist program that shipped in January through March of fiscal year 2018 (FY18) were eligible for \$5,000 EBSR. Additionally, active component recruits in any program that shipped January through May of FY18 were eligible for \$5,000 EBSHP. Chief of Naval Operations Instruction 1160.9 (series) specifies that pro-rata recoupment of the unearned portion of an enlistment bonus is required when a member fails to fulfill the conditions of eligibility, service, or assignment. Education benefits under the Post-9/11 GI Bill are based on a percentage as determined by a Service Member's length of qualifying active duty service. In accordance with Title 38 U.S.C Section 3311, an individual who commencing on or after 11 September 2001, serves an aggregate of at least 24 months, but less than 30 months on active duty in the Armed Forces is entitled to 80 percent maximum benefits payable for the program of education.

A review of your record reflects that you enlisted in the Naval Reserve on 21 September 2017 for 8 years of which 4 years was an active duty obligation. You enlisted under the Operations Specialist program that required a voluntary extension of 12 months and initially you were scheduled to ship on 2 April 2018. On 7 February 2018, your shipping date changed to 26 February 2018, and you were issued and signed NAVCRUIT 1133/52, Enlistment Guarantees – Annex “B” that outlined your entitlement to a \$5,000 EBSR and \$5,000 EBSHP. On 7 February 2018, you also signed NAVCRUIT 1133/102, Enlistment Bonus Statement of Understanding outlining your eligibility for a \$5,000 EBSR, and \$5,000 EBSHP. By signing the Enlistment Bonus Statement of Understanding 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 enlistment bonus. 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.”

You entered active duty on 26 February 2018, and signed a DD Form 2366, Montgomery GI Bill Act of 1984 (MGIB) on 2 March 2018 declining participation in the MGIB. After completing recruit basic military training, Operations Specialist “A” School, and reporting to the [REDACTED], your enlistment bonuses were processed for payment on 1 October 2019 in the amount of \$10,000 (before taxes). Subsequent to being found guilty at nonjudicial punishment, you were discharged from active duty on 27 July 2020 with a character of service of under honorable conditions (General) for Misconduct – Drug Abuse. On 30 December 2022, Secretary of the Navy Council of Review Boards notified you “[a]fter a thorough review of the available evidence, to include the Applicant’s issues, summary of service, service record entries, and discharge process, the Board found clemency was warranted. Therefore, the awarded characterization of service shall change to HONORABLE, the narrative reason for separation shall change to SECRETARIAL AUTHORITY with a corresponding separation code of JFF, and the reentry code shall change to RE-1.” The documentation of offenses for your administrative separation were not removed from your official military personnel file. Therefore, the Board determined a change to your record is not warranted.

The Board noted the Department of Veterans Affairs is responsible for determining eligibility for education benefits under the Post-9/11 GI Bill. For assistance with your education benefits, you may contact the Veterans Affairs at <https://www.va.gov/contact-us/>.

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,

11/15/2024

[REDACTED]