



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

[REDACTED]  
Docket No. 1942-24  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED], USN, [REDACTED]

Ref: (a) 10 U.S.C. § 1552  
(b) COMNAVCRUITCOM 1130.8K, Navy Recruiting Manual, July 2016

Encl: (1) DD Form 149 w/attachments  
(2) Petitioner's Official Transcript, College of the [REDACTED], printed 6 January 2022  
(3) [REDACTED] Loan Report, 20 February 2024  
(4) DD Form 4, Enlistment/Reenlistment Document – Armed Forces of the United States, 5 June 2019  
(5) NAVCRUIT 1133/53, Professional Apprenticeship Career Track (PACT) Program Enlistment Guarantees (Annex A to DD Form 4), 5 June 2019  
(6) PRIDE Mod II Screen Shot  
(7) COMNAVCRUITCOM Message, subj: Active Component Enlistment Bonus (EB) and Enlistment Loan Repayment Update, dtg 252100Z JUL 19  
(8) COMNAVCRUITCOM Message, subj: Active Component Enlistment Bonus (EB) and Enlistment Loan Repayment Update, dtg 102100Z MAY 19  
(9) DD Form 1966, Record of Military Processing – Armed Forces of the United States, 9 December 2019  
(10) NAVCRUIT 1133/52, Enlistment Guarantees (Annex B to DD Form 4), 9 December 2019  
(11) NSIPS Member Data Summary, printed 26 August 2024  
(12) NSIPS Training History  
(13) NAVPERS 1070/601, Immediate Reenlistment Contract, 19 May 2023  
(14) Navy Recruiting Command CO Memo 1133 Ser N35, subj: Advisory Opinion ICO [Petitioner], 3 May 2024  
(15) Petitioner's E-mail, subj: RE: CUI BCNR APPLICATION ICO [Petitioner] DOCKET NO 1942-24, sent Saturday, June 1, 2024 @5:31:06PM (with attachment)

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, hereinafter referred to as the Board, requesting that his naval record be corrected to establish entitlement to the benefits of the Loan Repayment Program (LRP).

2. The Board reviewed Petitioner's allegations of error or injustice on 29 August 2024 and, pursuant to its governing policies and procedures, determined by a majority vote that the corrective action indicated below should be taken on Petitioner's naval record. Documentary

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material considered by the Board included the enclosures; relevant portions of Petitioner's naval record; and applicable statutes, regulations, and policies.

3. Having reviewed all the evidence of record pertaining to Petitioner's allegations of error or injustice, the Board found as follows:

a. Petitioner graduated from the College of the [REDACTED] on 25 May 2018. See enclosure (2). While attending college, he received six student loans totaling \$21,500.<sup>1</sup> See enclosure (3).

b. On 5 June 2019, Petitioner signed an enlistment contract with a three-year active duty service obligation. See enclosure (4). As part of this enlistment contract, he received a guaranteed entry into the Aviation/Airman Professional Apprenticeship Career Track (AN-PACT) Program and a \$2,000 enlistment bonus for passing the Navy Physical Fitness Assessment (EBPFA). See enclosure (5).

c. On 22 July 2019, Petitioner reclassified his rate from AN-PACT to Advanced Technical Field Special Warfare (ATF-SO). See enclosure (6).

d. On 25 July 2019, the Navy's LRP policy was updated to establish the ratings eligible for the LRP for Sailors accessing to active duty on or before 31 May 2020.<sup>2</sup> The ATF-SO rate was among those specified. However, to maintain eligibility the Sailor must have had LRP listed as a guarantee in his enlistment contract. See enclosure (7).

e. Petitioner entered active duty pursuant to his enlistment contract on 9 December 2019. He signed Annex B to his DD Form 4 at that time to memorialize the reclassification to ATF-SO referenced in paragraph 3c above. This form references a \$28,000 enlistment bonus for source rate (EBSR), a \$2,000 enlistment bonus for physical screening test, and a \$8,000 enlisted bonus for college credit.<sup>3</sup> However, LRP was not listed as one of his guarantees. See enclosures (9) and (10).

f. Since entering active duty, Petitioner has completed the ATF-SO program and has served in the Special Operator rating. He has also advanced to E-5. See enclosures (11) and (12).

g. On 19 May 2023, Petitioner reenlisted for five years.<sup>4</sup> See enclosure (13).

h. Petitioner asserts that he met the criteria for LRP eligibility based upon his rating and enlistment date pursuant to enclosure (7), but that the program was never made known to him by his recruiter. See enclosure (1).

i. By memorandum dated 3 May 2024, Navy Recruiting Command (NRC) provided an advisory opinion (AO) for the Board's consideration, recommending that Petitioner's application

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<sup>1</sup> As of 20 February 2024, Petitioner's remaining balance on these loans was \$20,523.11.

<sup>2</sup> Prior to this date, the only rate which qualified for LRP was [REDACTED] See enclosure (8).

<sup>3</sup> Petitioner also retained the \$2,000 EBPFA referenced in paragraph 3b.

<sup>4</sup> This reenlistment extended Petitioner active service obligation to 18 May 2028.

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be denied. Specifically, NRC noted that “the LRP application is complete when the applicant selects the LRP options during the classification process” in accordance with reference (b), and that LRP was not authorized for ATF-SO when Petitioner was reclassified into that rating on 22 July 2019. See enclosure (14).

j. By e-mail dated 1 June 2024, Petitioner provided a response the NRC AO referenced in paragraph 3i above. Specifically, he asserted that the AO was inaccurate and cited to the provision of enclosure (7) referenced in paragraph 3d above. See enclosure (15).

## MAJORITY CONCLUSION

Upon careful review and consideration of all the evidence of record, the Majority of the Board found sufficient evidence of an injustice warranting corrective action.

The Majority found no error in Petitioner’s ineligibility for LRP. In this regard, the Majority disagreed with the AO conclusion that Petitioner was ineligible to contract for LRP at the time of his accession. Although his records reflect that he was reclassified to ATF-SO on 22 July 2019, three days before the ATF-SO rate became eligible for LRP, it also reflects that he did not sign the contract for the ATF-SO program guarantee until he entered active duty on 9 December 2019.<sup>5</sup> As such, he could have insisted upon LRP as part of his enlistment contract. However, he did not do so, and enclosure (7) specifically provided that LRP must be in the contract for the Sailor to be eligible. As such, Petitioner assertion that he is eligible for LRP is inaccurate – mere enlistment in the qualifying rate does not establish eligibility for LRP.

Although the Majority found no error in Petitioner’s ineligibility for LRP, it did find an injustice in the circumstances which render him ineligible. Specifically, the Majority found that with more than \$20,000 in student loan debt Petitioner almost certainly would have elected to participate in the LRP program when he signed his enlistment contract on 9 December 2019 if he had been made aware of it, especially considering that such participation would have required no additional commitments. As such, the Majority found an injustice warranting corrective action to Petitioner’s naval record.

## MAJORITY RECOMMENDATION:

In view of the above, the Majority of the Board recommends that the following corrective action be taken on Petitioner’s naval record:

That Petitioner’s naval record be corrected to reflect that Petitioner completed and submitted all required LRP documentation to the cognizant authorities in a timely manner.<sup>6</sup>

That Option 6 in Petitioner’s Annex B to DD Form 4, which he signed on 9 December 2019, be amended to reflect “Loan Repayment Program – Up to \$65,000.”

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<sup>5</sup> See enclosure (9).

<sup>6</sup> To complete this process, Petitioner will have to contact the NRC LRP Program Manager at [cnrc\\_lrp-eb@navy.mil](mailto:cnrc_lrp-eb@navy.mil) with contact information, to include address, e-mail, and phone numbers, lender-signed copies of updated DD Form 2475(s) and a copy of this decision for processing into the LRP.

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That a copy of this report of proceedings be filed in Petitioner's naval record.

#### MINORITY CONCLUSION:

Upon careful review and consideration of all the evidence of record, the Minority of the Board found insufficient evidence of any error or injustice warranting relief.

The Minority concurred with the Majority's conclusion that there was no error in Petitioner's ineligibility for the LRP.

The Minority did not, however, concur with the Majority conclusion that the circumstances of that ineligibility constituted an injustice. The LRP is a recruiting incentive intended to entice prospective recruits to enlist for service in needed rates. Petitioner agreed to enlist in the Navy on 5 June 2019 in AN-PACT, and reclassified to ATF-SO on 22 July 2019. Neither AN-PACT nor ATF-SO was eligible for the LRP as of 22 July 2019. ATF-SO only became eligible for the LRP on 25 July 2019, after Petitioner had already agreed to serve in that rate. As such, the LRP incentive was not required to secure his enlistment. While the Majority agreed that Petitioner theoretically could have requested that LRP be included in the contract he signed on 9 December 2019, his recruiting process was long-since over at that point so there would be no reason for any recruiter to inform him of this option. As such, the Majority found no injustice in Petitioner's ineligibility for a recruiting incentive which was not necessary to secure his enlistment in his current rate.

#### MINORITY RECOMMENDATION

In view of the above, the Minority of the Board recommends that no corrective action be taken on 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. The foregoing action of the Board is submitted for your review and action.

10/31/2024

[REDACTED]

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ASSISTANT GENERAL COUNSEL (MANPOWER AND RESERVE AFFAIRS) DECISION:

X MAJORITY Recommendation Approved (Grant Relief – I concur with the Majority conclusion and therefore direct the corrective action recommended by the Majority above.)

\_\_\_\_ MINORITY Recommendation Approved (Deny Relief – I concur with the Minority conclusion and therefore direct that no corrective action be taken on Petitioner’s naval record.)

[REDACTED]

Assistant General Counsel (M&RA)