

In accordance with Title 37 § 354. (Special pay: 15-year career status bonus for members entering service on or after August 1, 1986):

Availability of Bonus. The Secretary concerned shall pay a bonus under this section to an eligible career bonus member if the member (1) elects to receive the bonus under this section; and (2) executes a written agreement (prescribed by the Secretary concerned) to remain continuously on active duty until the member has completed 20 years of active-duty service creditable under section 1405 of title 10.

Eligible Career Bonus Member Defined. In this section, the term "eligible career bonus member" means a member of a uniformed service serving on active duty who (1) first became a member on or after August 1, 1986; and (2) has completed 15 years of active duty in the uniformed services (or has received notification under subsection (e) that the member is about to complete that duty).

Election Method. An election under subsection (a)(1) shall be made in such form and within such period as the Secretary concerned may prescribe. An election under that subsection is irrevocable. (d) **Amount of Bonus; Payment.** (1) A bonus under this section shall be equal to \$30,000. (2) A member electing to receive the bonus under this section shall elect one of the following payment options: (A) A single lump sum of \$30,000. (B) Two installments of \$15,000 each. (C) Three installments of \$10,000 each. (D) Four installments of \$7,500 each. (E) Five installments of \$6,000 each.

If a member elects installment payments under paragraph (2), the second installment (and subsequent installments, as applicable) shall be paid on the earlier of the following dates: (A) The annual anniversary date of the payment of the first installment. (B) January 15 of each succeeding calendar year.

The lump sum payment of the bonus, and the first installment payment in the case of members who elect to receive the bonus in installments, shall be paid to an eligible career bonus member not later than the first month that begins on or after the date that is 60 days after the date on which the Secretary concerned receives from the member the election required under subsection (a)(1) and the written agreement required under subsection (a)(2), if applicable. (e) **Notification of Eligibility.** — (1) The Secretary concerned shall transmit to each member who meets the definition of eligible career bonus member a written notification of the opportunity of the member to elect to receive a bonus under this section. The Secretary shall provide the notification not later than 180 days before the date on which the member will complete 15 years of active duty. (2) The notification shall include the following: (A) The procedures for electing to receive the bonus. (B) An explanation of the effects under sections 1401a, 1409, and 1410 of title 10 that such an election has on the computation of any retired or retainer pay that the member may become eligible to receive.

Repayment. If a person paid a bonus under this section does not complete a period of active duty beginning on the date on which the election of the person under paragraph (1) of subsection (a) is received and ending on the date on which the person completes 20 years of

active duty service as described in paragraph (2) of such subsection, the person shall be subject to the repayment provisions of section 373 of this title.

On 13 January 2014, Commander, Navy Personnel Command [NPC] notified you that “Congratulations! Your continuation in an active status of the Ready Reserve is approved.”

“References (a) [10 U.S.C. Chapter 1407] and (b) [Navy Reserve Officer Retention and Continuation Plan] authorize your continuation in an active status for one year after your release from Active Duty to allow your consideration for promotion as a Ready Reservist. Should you be selected for promotion by the FY-15 Promotion Selection Board, you will be allowed to continue your Navy career. If you do not select for promotion to lieutenant commander and are not authorized further continuation, we must separate you from the Navy Reserve not later than the first day of the seventh month after the results of the Board are released.”

You were released from active service and transferred to the Naval Reserve with an honorable character of service and were issued a DD Form 214 for the period of 27 August 2007 to 31 January 2014 due to non-selection, permanent promotion.

On 31 July 2014, Commander, NPC notified you that, “[p]er reference (a) [COMNAVPERSCOM letter 1920 PERS-911 of 13 January 2014], you were approved for continuation in an active status for one additional year to allow your consideration for promotion for a third time. The FY-15 Lieutenant Commander Promotion Selection Board considered your record but, regretfully, did not select you for promotion. Accordingly, unless approved for further continuation, your separation will be required on 1 February 2015, per reference (b) [10 U.S.C. Chapter 1407].” Additionally, on 31 July 2014, Commander, NPC notified you that, “[p]er reference (a), [COMNAVPERSCOM letter 1920 PERS-911 of 31 July 2014] you were notified that you had not been selected for promotion on your third promotion consideration and that unless you were approved for further continuation, your separation would be required on 1 February 2015.”

On 29 July 2017, Commander, NPC (PERS-912) notified you that, “[y]ou have completed all requirements to receive retired pay at or after age 60 under the provision of references (a) [10 U.S.C. Chapter 1223] and (b) [BUPERSINST 1001.39F]. Eligibility may not be denied or revoked unless it resulted directly from fraud or misrepresentation on your part. The number of years of creditable service and the amount of retired pay, however, may be adjusted for errors. Enclosure (1) [Statement of Service for Navy Reserve Retirement] is used to document your initial eligibility. An updated Statement of Service for Navy Reserve Retirement will be provided upon your retirement or discharge.”

The Defense Finance and Accounting Service-IN/Debt and Claims notified you with a billing date of 17 January 2023 that Previous balance was \$17,904.49, Payments Received \$4,676.47, Adjust \$490.00, and Total Balance Due \$13,718.82. Furthermore, “[y]our debt of \$490.00 is for collection of service member's group life insurance premiums paid on your behalf. These premiums were paid because you had an active payroll account that was not separated until recently by your prior unit/finance office. If you feel the SGLI debt is in error, please contact

your prior unit finance office. They must submit a DD 139 to US (ADSN 3891) or provide a copy of your discharge orders showing you were separated in a status which is prohibitive from being covered in the SGLI program. Your SGLI debt is for the period(s) of 11/2019-12/2020.”

On 25 November 2020, Commander, NPC (PERS-9) notified you that, “[p]er references (a) [10 U.S.C. § 10154] and (b) [10 U.S.C. § 12774(a)], the Secretary of the Navy approved and authorized your request to transfer to Retired Reserve status effective 1 January 2021.”

“Upon your submission of application per the guidelines of reference (c) [BUPERSINST 1001.39F], you will be eligible under reference (d) [10 U.S.C. chapter 1223] for retired pay benefits, to include medical benefits at age 60.”

You requested remission of debt for a career retention bonus, the Board in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that you had full intention to fulfill the obligation upon accepting the bonus and that your separation was voluntary. However, the Board concluded that you received a career retention bonus in the amount of \$30,000 at 15 years of service in 2012. On 31 January 2014 you were released from active duty and joined to the Navy reserve for non-selection of permanent promotion. In accordance with Title 37 § 354, you are subject to repayment of the bonus if you do not complete 20 years active-duty service. You were transferred to the Navy Reserve prior to completing 20 years of active service, therefore you are subject to repayment of the bonus. The Board found that failure to complete obligated service or failure to promote are common stipulations in bonus contracts, there is no amplifying information or extenuating circumstances provided that would mitigate your failure to meet the 20 years of active service obligation as a result of failing to select. In this connection, the Board substantially concurred with the comments contained in the aforementioned advisory opinions and determined that a change to your naval record is not warranted.

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,

10/10/2024

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Deputy Director

Signed by: █