



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

██████████
Docket No. 3997-24
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.

A three-member panel of the Board, sitting in executive session, considered your application on 31 October 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/97 of 8 July 2024, which was previously provided to you for comment.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

On 5 January 2011, you entered active duty.

In accordance with Chief of Naval Operations memorandum (1040 Ser N13/022) of 28 February 2013. "The ESRP [Enlisted Supervisor retention Pay] program is a flexible incentive program tailored to meet the retention goals of specific skill sets.

Reenlistment Zones. ESRP reenlistment eligibility zones are defined as follows:
Zone 1: Greater than or equal to 10 years of naval service, but less than 14 years of naval service. Recommend that the member be at least three days into this zone prior to reenlisting for an ESRP bonus.

While a Service Member's active nuclear NEC is replaced with a special category nuclear NEC (N59X or N89X), they are not eligible to earn ESRP bonus monies. Therefore, while a Sailor who is under an ESRP contract holds a special category NEC, all payments of ESRP monies will be suspended. Adjudication of the cause for the special category nuclear NEC will result in either restoration of an active nuclear \$IEC or disqualification from the Naval Nuclear Propulsion Program (NNPP). If an active nuclear NEC is restored, suspended payments will be released. If the member is disqualified from the NNPP, repayment may be sought per paragraph (k). OPNAV N133 will provide a bonus suspension notification letter to all NNPP members who have their ESRP suspended due to a special category NEC.

(1) Except as provided in paragraphs (3), (4) and (5) below, a Service Member who is paid ESRP will be required to repay the United States for any unearned portion of the retention bonus in the event the Service Member fails to fulfill the conditions of eligibility, service, or assignment. Additionally, a Service Member may not receive any unpaid amount of the ESRP bonus after failing to fulfill such specified conditions. Situations requiring repayment include, but are not limited to: ... (g) Separation for Cause, including misconduct..."

In April 2016, you were awarded Navy Enlisted Classification (NEC) N24S. On 4 September 2017, you reenlisted for 6 years with an End of Active Obligated Service (EAOS) of 3 September 2023 and received a Zone B SRB. In April 2018, you were awarded NEC 805A.

On 27 November 2019, you transferred from ██████████ and arrived to ██████████ on 29 November 2019 for duty.

On 5 January 2021, you entered you entered Zone 1. In August 2021, you were awarded NEC N24S and 805A.

On 8 September 2021, you reenlisted for 5 years with an EAOS of 7 September 2026 and received a Zone 1 ESRP.

In November 2021, you were awarded NEC N33Z.

On 4 January 2023, you were issued official change duty orders (BUPERS order: ██████████) with required obligated service to December 2026, while stationed in ██████████, ██████████, ██████████, with an effective date of departure of March 2023. Your intermediate (01) activity was ██████████, ██████████, ██████████ for temporary duty under instruction with an effective date of arrival of 3 April 2023. Your ultimate activity was ██████████, ██████████, ██████████ for duty with an effective date of arrival of 22 July 2023 with a Projected Rotation Date (PRD) of July 2026.

On 13 March 2023, you transferred from ██████████ and arrived to ██████████ SC on 4 April 2023 for duty. On 21 July 2023, you transferred from ██████████ and arrived to ██████████ on 21 July 2023 for duty. In August 2023, you were awarded NEC N89X and 774B.

On 5 October 2023, Commanding Officer, Naval Nuclear Power Training Command issue Navy Enlisted Classification (NEC) Change Request (NAVPERS 1221/6) for the removal of NEC: N24S, N33Z, and 805A. Furthermore, "Service member is recommended for Administrative Separation Board due to refusing Commanding Officer's Nonjudicial Punishment for misconduct. Misconduct investigation findings included."

On 13 October 2023, NEC Change Request Screen Sheet (NAVPERS 1221/2) was issued with a NEC change of 0000 (774B) process per OPNAVINST 1220.1F effective 21 August 2023.

On 20 December 2023, you were issued official separation orders (BUPERS order: ██████████) while stationed in ██████████, ██████████, ██████████, ██████████ with an effective date of departure of December 2023. Place elected for travel: ██████████, ██████████ with an actual date of separation of 29 December 2023.

You were discharged with an Honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 5 January 2011 to 29 December 2023 for Misconduct – Serious Offense.

On 15 February 2024, the DFAS notified you that "[t]he Defense Finance and Accounting Service (DFAS) is the Department of Defense (DoD) agency responsible for collection of individual debts owed to the United States Government by former DoD employees, service members, or other debtors. Pursuant to 31 U.S.C. 3716, your debt(s) has been referred to the DFAS Debt and Claims Management Operations for collection. Please refer to the enclosed Account Statement for information concerning the debt(s) along with payment instructions." Your debt was \$69,464.84. Furthermore, "[d]ebt is due to deduction on your military pay record unrelated to pay or allowance entitlements. The deduction was a PCS debt. Debt is due to the remaining balance of debts that posted to your account for collection prior to the month you separated. The debts remaining on your account are as follows: special duty assignment pay debt - PCS debt - enlistment bonus debt."

You requested that your SRB debt be reconsidered and reviewed due to you serving 2 years and 4 months of your reenlistment at the time of discharge. The Board in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that on 8 September 2021 you reenlisted for 5 years with an EAOS of 7 September 2026 and received a Zone 1 ESRP. At that time, your EAOS was 3 September 2023, meaning that although you received a portion of your ESRP for your reenlistment, you were required to finish your prior obligation prior to earning the ESRP. Additionally, your nuclear NEC was removed on 21 August 2023. The Chief of Naval Operations memorandum states that a Service member's ESRP monies will be suspended once their nuclear NEC is replaced with a special category nuclear NEC. If the member is disqualified from the NNPP, repayment may be sought. Additionally, a Service member will be required to repay the unearned portion of the ESRP in the case of Separation for Cause, including misconduct. Because your NEC was removed for cause prior to 3 September 2023, you earned no portion of the ESRP and because you were separated for Misconduct – Serious Offense, the Board determined that your debt is valid and must be repaid. In this connection, the

