



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

██████████  
Docket No. 4657-24  
Ref: Signature Date

████████████████████  
████████████████████  
████████████████████

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 16 January 2025. 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 1070 Ser N133D/204 of 20 November 2024 and your response to the opinion.

You requested forgiveness/cancellation of the recoupment of enlistment bonus. 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 Chief of Naval Operations Instruction (OPNAVINST) 1160.9A specifies that repayment of the unearned portion of the bonus will not be sought when a member fails to complete an enlistment bonus contract in circumstances that include injury or illness, not due to misconduct, that results in separation or retirement for disability under Title 10, U.S. Code, Chapter 61. Commander, Navy Recruiting Command message 252100Z July 2019 outlined the eligibility for enlistment bonuses. The aforementioned message applied to future Sailors initially classified or reclassified on or after 25 July 2019. Active Component recruits in the Nuclear Field program that shipped on October through September of any fiscal year were eligible for \$38,000 EBSR. The message directed attention to OPNAVINST 1160.9A for EBSR payment guidance.

A review of your record reflects that you enlisted in the Naval Reserve on 13 September 2019 for 8 years of which 4 years was an active duty obligation. You enlisted into the Nuclear Field

program and issued NAVCRUIT 1133/52 Enlistment Guarantees – Annex “A” that required a 4-year active duty obligation and a voluntary extension of 24 months to meet the rating, school, and program requirements. Your Annex “A” listed eligibility for \$2,000 Enlistment Bonus for Physical Fitness Assessment (EBPFA), and \$38,000 EBSR. By signing the Enlistment Guarantees you acknowledged “I understand that I must be fully qualified at all times throughout my obligated service for all security, professional, military, physical, psychological, and academic requirements of the options guaranteed in the above section and that my eligibility will be rechecked during recruit training and periodically throughout my enlistment. The Navy will enroll me in the guaranteed options specified above. If, during the periodic review of my eligibility, I am found no longer eligible for the options listed above because of physical or psychological disqualifications or because of some reason that is not due to my fault, negligence, or conduct, I may choose to be reclassified for an enlistment training program for which I am qualified, and vacancy exists. In an event, the Navy may, at its options, choose to discharge me.” Additionally, on 13 September 2019, you signed NAVCRUIT 1133/102, Enlistment Bonus Statement of Understanding that also listed your eligibility to \$2,000 EBPFA and \$38,000 EBSR. By signing the Enlistment Bonus Statement of Understanding, you recognized the conditions that included “I understand that I must remain fully qualified for the program/rating in which I am enlisting throughout 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 this 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 27 November 2019 and signed the accession portion of your Enlistment Bonus Statement of Understanding. After completing Recruit Basic Military Training, you reported to the Nuclear Power School and upon completion, a portion of your EBSR in the amount of \$12,540.00 was processed for payment on 23 April 2021. You were awarded Navy Enlisted Classification (NEC) N24O on 1 October 2021 and were paid the remainder of your EBSR in the amount of \$25,460 on 16 November 2021. On 1 April 2022, you were assigned NEC 774B – Nuclear Propulsion Disqualification and NEC 89X – Surface Ship Nuclear Propulsion Plant Operator-Special Category, that identified you were not currently assigned to a nuclear propulsion plant billet. You submitted a request for “separation based on medical condition which I, and/or my attending physician believes exists but does not amount to a disability per current Navy guidance” on 25 May 2022. Your request was favorably endorsed by Commanding Officer, ██████████ on 7 July 2022 and recommended Separation by Reason of Conviction of the Government – Medical Conditions not Amounting to a Disability. Commander, ██████████ approved your request for separation on 18 August 2022 with an General (Under Honorable Conditions) characterization of service, Condition, Not a Disability for your narrative reason for separation and directed recoupment of unearned bonus paid. On 13 November 2022, you were discharged for Condition, Not a Disability. A \$15,620.83 debt was posted to your account on 5 December 2022 for the unearned portion of your EBSR.

Therefore, in this connection, the Board substantially concurred with the comments contained in the advisory opinion and determined a change to your 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,

1/23/2025

[REDACTED]

Deputy Director

Signed by: [REDACTED]