



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

Docket No. 7750-24
Ref: Signature Date

Dear [REDACTED],

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 7 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 opinions contained in Commanding Officer, Navy Pay and Personnel Support Center memorandum 7220 N1 of 6 August 2024 and Office of Legal Counsel (BUPERS-00J) of 22 August 2024 and your rebuttal.

You requested for your indebtedness owed to the Defense Finance and Accounting Service for Selective Reenlistment Bonus (SRB) recoupment and for Basic Allowance for Housing (BAH) overpayment be erased. The Board in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that the removal of indebtedness is being requested because the reenlistment bonus contract states specific situations in which an SRB is required to be collected, and your situation is not one of the situations. However, the Board determined the NAVPERS 1070/613 you signed upon your reenlistment is not an SRB Contract, it lists *some* of the provisions which would allow for recoupment of your bonus. OPNAVINST 1160.8B is the existing policy on SRB recoupment, and in accordance with OPNAVINST 1160.8B your exact situation calls for the recoupment: "Situations requiring pro-rata repayment of the unearned portion and cancellation of future payment (s) of an SRB *include* but are not limited to reasons listed in subparagraphs 15a (1) through 15a (8) ... (8) Separation for a medical condition not amounting to a disability." You were discharged in accordance with MILPERSMAN 1900-120 for conditions not amounting to a disability, therefore you must repay the unearned portion of the SRB. You assert that, "[t]he

BAH indebtedness is being requested to remove due to the service member being an E-4 over four years, at the time was expecting a newborn child, as well as the member was already under contract per a lease with an apartment complex. These three BAH binding examples provide sufficient evidence that at least one of if not all three circumstances warrant BAH regardless of any reduction in rate....” You signed a lease on 17 August 2021 with Beyond Property Management, Inc. after you notified Entrada SD Investors LP of your intent to vacate your lease effective 20 September 2021 due to personal reasons. However, on 2 September 2021, you received nonjudicial punishment for violations of the Uniform Code of Military Justice for Articles 86, 91, 92, and 107, you were awarded reduction in rank, 33 days of restriction, and 45 days of extra duty. The Board determined that your BAH debt occurred because your entitlement changed from BAH at the without dependents rate to BAH Partial as a result of the 33 days of restriction you were awarded at nonjudicial punishment. You provided no confirmation from your command that you were permitted to serve your restriction from your apartment and not in the barracks, and there is no entitlement to a housing allowance on behalf of a future dependent. Therefore, the Board determined that a change to your record is not warranted. In this connection, the Board substantially concurred with the comments contained in the aforementioned advisory opinion.

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,

1/14/2025

