



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

██████████  
Docket No. 8046-24  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER ██████████  
██████████

Ref: (a) Title 10 U.S.C. § 1552  
(b) MCO 7220.24P, 21 Oct 16  
(c) MARADMIN 370/18, 2 Jul 18  
(d) Title 37 U.S.C. § 373  
(e) MARADMIN 109/23, 27 Feb 23

Encl: (1) DD Form 149 w/attachments  
(2) Advisory opinion by HQMC memo 7200 RFF, 30 Aug 24  
(3) Subject's naval record

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 (Board), requesting that his naval record be corrected to show the unearned portion of the Selective Retention Bonus (SRB) was not recouped.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 13 February 2025 and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies.

3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. On 28 July 2014, Petitioner entered active duty.

b. In accordance with reference (b), Repayment Policies – 1. A Marine who does not complete the term of enlistment or extension of enlistment or who is not technically qualified in the PMOS for which the SRB/BSSRB was paid will be subject to the repayment provisions in reference (i). 2. As a general rule, repayment action will not be pursued in situations in which the member's inability to fulfill specified service conditions related to a pay or benefit is due to circumstances determined reasonably beyond the member's control. 3. Marines who are

discharged within 12 months before the expiration of an enlistment, reenlistment, or extension of enlistment pursuant to reference (h) are considered to have completed the terms of the enlistment, reenlistment, or extension of enlistment for which the SRB/BSSRB was paid. 4. SRB/BSSRB shall not be repaid if a Marine loses his/her PMOS or technical qualifications due to injury, illness, or other impairment not the result of misconduct. 5. If a Marine is voluntarily separated due to pregnancy the unearned portion of SRB/BSSRB shall be repaid. If a Marine is temporarily reassigned to a billet out of her SRB/BSSRB PMOS due to pregnancy, repayment is not required. 6. Marines who reenlist in their primary PMOS, then subsequently apply to and are accepted into a program that will change their primary PMOS or lead to a commission, are not subject to any repayment of SRB/BSSRB. 7. Marines who apply for a program which will change their PMOS or lead to a commission, then subsequently reenlist within their PMOS will not normally be considered eligible for an SRB/BSSRB and are subject to repayment of the unearned portion of any SRB payment received.

c. In accordance with reference (c), this bulletin announces the SRB program and the BSSRB program authorized for FY19. With the advent of several new SRB programs, Marines are encouraged to thoroughly review the contents of this bulletin. First term Marines (Zone A) and career Marines (Zone B, C, D and E) who reenlist on or after 5 Jul 2018 are eligible for the FY19 SRB program. This will include a. Any regular component first term or career Marine with an End of Current Contract (ECC) from 1 Oct 18 to 30 Sep 19.

Zone A Marines electing to LM in FY19 into PMOSs listed in section 3.m with the LM designation, will be given the opportunity to reenlist for 72 Months. Marines who execute a LM into one of these PMOSs for 72 months will rate a \$40,000 dollar initiative in addition to the PMOS bonus listed in section 3.m. The LM initiative may not be coupled with any kicker.

Zone A applies to those active component Marines with 17 months to 6 years of active military service. First term Marines with exactly 6 years of active military service on the date of reenlistment may be paid a Zone A PMOS bonus if they have not previously received a Zone A PMOS bonus. If they have received a Zone A PMOS bonus, or if no Zone A PMOS bonus is designated, they may be paid a Zone B PMOS bonus. Bonus payments are limited to one payment per Zone. Zone A lateral move PMOS bonus payments are only authorized for those PMOS(s) designated with LM. Marines who already hold a PMOS with a LM designator and are in Zone A will rate the PMOS bonus listed below. Zone A PMOS bonus payments for Marines who reenlist for at least 48 months obligated service are authorized as listed below in dollars (bonuses for Marines who reenlist for 36 to 47 months obligated service will be calculated as per para 3.j). Furthermore, a zone "A" SRB for MOS 5821LM, E-5 and above, which is capped at \$25,000 for 48 months of additional obligated service was authorized.

d. On 7 January 2019, Petitioner signed an agreement to extend enlistment for 5 months with an End of Active Service (EAS) of 27 June 2019 in order to have sufficient obligated service to process reenlistment request.

e. On 23 February 2019, Petitioner reenlisted for 6 years with an ECC of 22 February 2025, Petitioner's Enlistment/Reenlistment Document Armed Forces of the United States (DD Form 4) block B8b (Remarks) listed the following: Reenlisted for the following incentives): Zone A SRBP amount \$65,000.

Per MARADMIN 370/18 this Marine is eligible for a selective retention bonus (SRB) kicker in the amount of \$40,000, less applicable state and government taxes. SNM must maintain requirements in accordance with MARADMIN 370/18. "I understand that this reenlistment contract is contingent upon successful completion of the training requirements for MOS 5821. Should I fail to complete the training requirements for MOS 5821, I may be reverted to my previous MOS or separated from the Marine Corps."

f. In accordance with reference (d) Title 37 U.S.C. § 373 (2022), Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met. "(a) Repayment and Termination.—Except as provided in subsection (b), a member of the uniformed services who is paid a bonus, incentive pay, or similar benefit, the receipt of which is contingent upon the member's satisfaction of certain service or eligibility requirements, shall repay to the United States any unearned portion of the bonus, incentive pay, or similar benefit if the member fails to satisfy any such service or eligibility requirement, and the member may not receive any unpaid amounts of the bonus, incentive pay, or similar benefit after the member fails to satisfy such service or eligibility requirement."

"(b) Exceptions. (1) Discretion to provide exception to termination and repayment requirements.— Pursuant to the regulations prescribed to administer this section, the Secretary concerned may grant an exception to the repayment requirement and requirement to terminate the payment of unpaid amounts of a bonus, incentive pay, or similar benefit if the Secretary concerned determines that the imposition of the repayment and termination requirements with regard to a member of the uniformed services would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States."

g. Petitioner was discharged with a General (Under Honorable Conditions) character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 28 July 2014 to 25 March 2022 for Misconduct (Other). Authorized official signed on 25 March 2022.

h. Defense Finance and Accounting Service (DFAS)-IN/Debt and Claims notified Petitioner that Previous balance was \$0.00, Payments Received \$0.00, Adjust \$13,800.60, and Total Balance Due \$13,800.60. Furthermore, "[r]ecoupment is required for the unearned portion of your enlistment or reenlistment bonus. If you disagree with the validity or amount of your debt, please contact the pay office, DMPO, or AFAFO that placed you in debt and have them provide our office with proper documentation to alter or cancel your debt."

i. In accordance with reference (e) 1. This MARADMIN supplements reference (a) and provides implementing guidance related to rescission of the COVID-19 vaccination requirement. 2. Background. On 10 January 2023, the Secretary of Defense rescinded the requirement that

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[REDACTED] USMC

members of the armed forces be vaccinated against COVID-19. Per ref (c), SECNAV issued additional guidance with required administrative actions. 3. Execution. Pursuant to references (a), (b), and (c), the Marine Corps will no longer require Marines to receive the COVID-19 vaccine as a matter of service policy. (MOL), citing this MARADMIN as authority...Adverse material related to the COVID- 19 vaccine requirement shall not be included in the Marine's official military personnel file (OMPF). Adverse material includes, but is not limited to, formal counseling entries for refusing the vaccine, entries related to administrative processing, promotion restriction or delay for refusing the vaccine, adverse fitness report remarks related to vaccine refusal, and memorandum terminating administrative separation proceedings. A copy of the memorandum shall be provided to the Marine...Separated Marines may petition the Board for Corrections of Naval Records to request removal of adverse matters.

j. On 29 December 2023, Secretary of the Navy Council of Review Boards notified Petitioner that "[t]he review authority has given consideration to all relevant issues raised and evidence presented and has carefully examined all available official records in connection with your application for discharge review.

The final decision is that the discharge shall change to HONORABLE, the narrative reason for separation shall change to SECRETARIAL AUTHORITY with corresponding separation code of JFF1, and the reentry code shall change to RE-1 A.

Enclosed is a copy of the Record of Review of Discharge. This document has been made a part of the official service personnel record."

k. On 12 February 2024, Petitioner was issued a corrected DD Form 214 for the period of 28 July 2014 to 25 March 2022. Petitioner was discharged due to Secretarial Authority with an Honorable Character of Service, Separation Code JFF1, and Reentry Code RE-1A.

## CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that Petitioner was initially discharged under General (under honorable conditions) solely for refusing to take the COVID-19 vaccine. However, in February 2024, Petitioner's discharge was upgraded to Honorable with a narrative reason of "Secretarial Authority." Given the circumstances surrounding the COVID-19 vaccine mandate and subsequent rescission, and the fact that Petitioner was involuntarily discharged from the Marine Corps for the convenience of the government against his wishes to continue honorably, serving on active duty, the Board agreed with enclosure (2) to grant an exception to repayment of the unearned portion of his SRB, under the authority of Title 37 U. S. Code Section 373 which states that "...imposition of the repayment and termination requirements with regard to a member of the uniformed services would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States."

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[REDACTED] USMC

## RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

Repayment of SRB action will not be pursued in accordance with reference (d).

Note: The Defense Finance and Accounting Service will complete an audit of Petitioner's pay records to determine amounts due, if any.

A copy of this report of proceedings will be filed in 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. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

2/20/2025

