



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

██████████
Docket No. 8908-24
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 8 April 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 Personnel memorandum 7220 Ser N130/24U0868 of 26 September 2024, a copy of 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 13 August 2013, you entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 12 August 2017 and Soft EAOS of 12 August 2018.

On 20 December 2016, you reenlisted for 6 years with an EAOS of 19 December 2022 and received a Zone A SRB. In May 2018, you were awarded the Navy Enlisted Classification (NEC) N15S.

In accordance with DoD 7000.14-R FMF Volume 7A, Chapter 2, "Conditions Under Review by the Secretary of the Military Department. In instances involving a member's separation for medical reasons, which were not the result of the member's misconduct, the Secretary of the

Military Department concerned has the discretion to determine whether to require repayment of the unearned portion of pay or benefit, or to pay an unpaid balance of pay or benefit.

Under circumstances not specifically mentioned in this chapter, the Secretary of the Military Department concerned has the discretion to, at some point in the process, render a case-by-case determination that the member's repayment of, or the Military Department's full payment of an unpaid portion of, a pay or benefit is appropriate based on the following: Contrary to a personnel policy or management objective; Against equity and good conscience; or Contrary to the best interest of the United States."

In accordance with OPNAVINST 1160.8b published on 1 April 2019 that "SRB Entitlement. Entitlement to the full amount of an SRB will be contingent upon a member maintaining the technical qualification required for effective performance in the military specialty for which the bonus was awarded. A member must remain eligible for SRB in the skill for which the bonus was paid during the entire SRB contract. At the point official action is taken resulting in an SRB recipient no longer meeting technical qualification for an SRB, that member is no longer earning the bonus. If eligibility is lost, that member may be subject to recoupment of the unearned portion of SRB already received, except for situations outlined in subparagraph 16g."

"Nuclear SRB Entitlement. For Sailors in the NNPP, technical qualification in the military specialty for which the bonus was awarded is defined as holding an active nuclear NEC. While a member's active nuclear NEC is replaced with an inactive nuclear NEC (3359 or 3389) they are not eligible to earn SRB bonus monies. Therefore, while a Sailor who is under an SRB contract holds an inactive NEC, all payments of SRB monies will be suspended. Adjudication of the cause for inactivation of the nuclear NEC will result in either restoration of an active nuclear NEC or disqualification from the 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 as directed by paragraph 15. OPNAV (N133) will provide a bonus suspension notification letter to all NNPP members who have their SRB suspended due to an inactive NEC."

"Repayment Policy. Repayment policy is governed reference (a), sections 303a and 373, and reference (e), volume 7A, chapter 2. These policies collectively determine when repayment of an unearned portion of a bonus is required, left to secretarial discretion, or prohibited. Except as provided in subparagraph 15b and 15c, a Service member who is paid SRB will be required to repay any unearned portion of the bonus in the event the Service member fails to fulfill the conditions of eligibility, service, or assignment. Receipt of a payment after having a qualifying SRB rating or NEC removed (i.e., found not medically qualified but receives an anniversary installment after determination of qualification has been removed) is an erroneous payment and will be recouped. As the program manager and per this instruction, OPNAV (N130) is delegated the authority to make these repayment determinations. However, this delegation cannot be below the O-6 or equivalent level."

On 13 August 2019, you entered Zone B. In December 2019, you were awarded NEC N33Z.

On 27 January 2020, you reenlisted for 6 years with an EAOS of 26 January 2026 and received a Zone B SRB.

On 17 August 2020, you were issued official change duty orders (BUPERS order: 2300) while stationed in ██████████ with an effective date of departure of January 2021. Your intermediate (01) activity was ██████████, ██████████ for temporary duty under instruction with an effective date of arrival of 8 February 2021. Your ultimate activity was ██████████ for duty with an effective date of arrival of 1 May 2021 with a Projected Rotation Date (PRD) of May 2024.

In May 2021, you were awarded NEC 805A.

In accordance with DoD Separation Program Designator (SPD) Codes for Active Service Separations listed code SFJ (Disability, Permanent) with the following Recoup bonus (Note 1) Bonus Recoupment Table – “T” - Past payments stand and further payments are halted.

In September 2022, you were awarded NEC 8MTS. In May 2023, you were awarded NEC N59X (Legacy NEC Code: 3359).

On 21 June 2024, you were issued official retirement orders (BUPERS order: 1734) while stationed in ██████████ with an effective date of departure of July 2024. Your place elected for travel: ██████████ with an effective date of retirement of 30 July 2024.

You were retired 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 13 August 2013 to 30 July 2024 due to Disability, Permanent. Furthermore, block 26 (Separation Code) SFJ.

On 20 March 2025, your Master Military Pay Account (MMPA) shows the following: “AMT-ANL-PAYMT 8,587.23 ENTLMT 85,872.38 PD-TO-DATE 68,697.88 SRB-INSTLMT-NR 4 SRB-MULTR 9.0 SRB-BONUS-TYPE B TOTAL-DAYS-SRB-PD 1110 RRB/SRB-TAX-XCLUSN-ID 1 DOE 200127 FY 20 AMT-INSTLMT-PMT 42,936.19 FY 21 AMT-INSTLMT-PMT 8,587.23 FY 22 AMT-INSTLMT-PMT 8,587.23 FY 23 AMT-INSTLMT-PMT 8,587.23.”

You requested back-pay for SRB payment that was withheld while you were on medical hold during your last year of service, 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 feel if there was no lessening of your performance and duties then your pay should have continued. You state that “[i]t appears as financial reprisal for seeking medical help to maintain my full readiness and was out of my control to be medically retired.” However, the Board concluded that your SRB payment was withheld because you no longer held the NEC for which you were paid the SRB. Your Nuclear NEC was changed from N15S to N59X effective May 2023. In accordance with OPNAVINST 1160.8b, “[f]or Sailors in the NNPP, technical qualification in the military specialty for which the bonus was awarded is defined as holding an active nuclear NEC. While a member's active nuclear NEC is replaced with an inactive nuclear NEC (3359 or 3389) they are not eligible to earn SRB bonus monies. Therefore, while a Sailor

who is under an SRB contract holds an inactive NEC, all payments of SRB monies will be suspended. Adjudication of the cause for inactivation of the nuclear NEC will result in either restoration of an active nuclear NEC or disqualification from the NNPP. If an active nuclear NEC is restored, suspended payments will be released.” The Board determined that your SRB payment was appropriately suspended while you were on medical hold and because you were retired due to disability, your active Nuclear NEC was not restored, and you were not paid the suspended payment. Furthermore, the Board noted that if you had received the payment while your NEC was inactive, it would have been recouped. In this connection, the Board substantially concurred with the comments contained in the 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,

4/16/2025

