



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 7736-01
14 May 2002

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) Case Summary
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a commissioned officer in the Naval Reserve filed an application with this Board requesting that his record be corrected to show that the requirement to reimburse the government for the educational expenses he incurred while he was a member of the Reserve Officer Training Corps (ROTC) was waived.

2. The Board, consisting of Mr. Lippolis, Mr. Dunn and Mr. Beckett, reviewed Petitioner's allegations of error and injustice on 7 May 2002 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, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner's application was filed in a timely manner.

c. Petitioner was released from active duty on 31 August 1994 to enter an officer training program. At that time, he had completed 3 years, 1 month and 14 days of active service. He was appointed a midshipman and entered the NROTC unit at Jacksonville University on 1 September 1994. Following the spring 1995 semester he was placed on academic probation with a grade point average 1.882 due to low scores in aptitude, and his class standing of 28 of 29. Though in the Fall 1996 semester his GPA was 2.133 his aptitude score continued to decline and his class standing was 45 of 46. Based on this record he was placed on a leave of absence. His GPA in the spring 1997 semester was 1.875.

d. In June 1997, the commanding officer recommended his disenrollment from the NROTC program. Subsequently, the Chief of Naval Education and Training also recommended disenrollment with recoupment of educational expenses in the amount of \$27,006 in lieu of active enlisted service "because it does not appear that (he) has put forth the maximum effort to succeed academically." On 15 August 1997, the Chief of Naval Personnel recommended that Petitioner's appointment as a midshipman be terminated and noted that he had incurred a two year active service obligation due to entering advanced standing in the NROTC scholarship program. On 25 August 1997, the Assistant Secretary of the Navy (M&RA) approved the termination of Petitioner's appointment as a Midshipman and approved the recoupment of the educational expenses in the amount of \$27,006.

e. Subsequently, Petitioner entered the University of Rochester and graduated in the Spring of 2001. He then applied for and was accepted into the Officer Candidate School (OCS). On 1 June 2001 he entered OCS in enlisted status and successfully completed the program. He was commissioned an ensign in the Naval Reserve on 31 August 2001 and is now undergoing flight training.

f. Petitioner has submitted evidence showing that as of 22 February 2000 he is indebted in the amount of \$30,682.92 and is making monthly payments in the amount of \$286.51. He is requesting a waiver of the recoupment requirement because he has been commissioned and completed the requirement for which he incurred the educational expenses.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. Because Petitioner has been commissioned, the Board believes that he should be given an opportunity to earn a waiver of the recoupment requirement. Therefore, the Board concludes that the recoupment action should be suspended until he completes the two year active duty requirement he incurred while in NROTC. If he serves two years from the date of commissioning on 31 August 2001, the remaining amount to be recouped should be waived.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that recoupment of his educational expenses was suspended as of the date of approval of this recommendation. Upon completion of the two years, the amount remaining will be waived.

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 entitled matter.

ROBERT D. ZSALMAN
Recorder



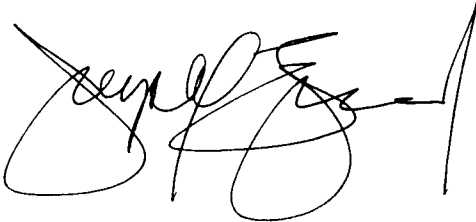
ALAN E. GOLDSMITH
Acting Recorder

5. The foregoing report of the Board is submitted for your review and action.



For W. DEAN PFEIFFER

Reviewed and approved: SEP 6 2002



JOSEPH G. LYNCH
Assistant General Counsel
(Manpower and Reserve Affairs)