



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

JET  
Docket No. NR5701-13  
11 Aug 14

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 August 2014. 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, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by CNO Memo 7220 Ser N130D2/13U0892 of 11 Oct 13 and CNO Memo 7200 Ser N130C4/14U0803 of 23 Jun 14, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In making this determination, the Board concurred with the comments contained in the advisory opinions. The Board noted that to become eligible for the Selective Reenlistment Bonus (SRB) for the Navy Enlisted Classification (NEC) you held, you reenlisted on 22 November 2010 for a term of six years. You were paid half the bonus up front in the expectation that you would fulfill the terms of the contract which entailed maintaining technical qualification.

In reviewing your case, the Board also noted that in November 2008 you were diagnosed with bipolar disorder. On 22 November 2010 you were allowed to reenlist for a term of six years and received a Zone "B" SRB bonus of \$15,288.07, for your

Information Systems Technician (IT) NEC. You received half of that bonus in the amount of \$7,644.03 (\$5,700 after taxes), and the remainder of the bonus to be paid on the anniversary date. In December 2010, you received orders to transfer; however, during the sea duty screening you were found unsuitable by the gaining command. In January 2011, you received a second set of orders to transfer, and again during the sea duty screening you were found unsuitable by the gaining command. Then on 9 March 2011, you were notified by the command that you would be separated from the Navy within ten days; and on 19 March 2011 you were discharged.

Your application claims, essentially, that "the Navy conducted this process in an unjust manner. I have been an exceptional sailor for my entire naval career with no negative marks or adverse evaluations." However, the Board found that despite you being allowed to reenlist and knowing of your bipolar disorder, you did receive a SRB bonus for serving a six-year service obligation. Of the six-year service obligation you had to service for the SRB contract, you only served about three months and twenty-seven days. Because you did not fulfil the full terms of the SRB contract, the unearned portion of your SRB was recouped as it rightfully should have been. Furthermore, the Board also agreed with the advisory opinion and the Office of Secretary of Defense (OSD) SPD Code Matrix and Department of Defense Financial Management Regulation 7000.14R (DoDFMR), Vol. 7A, Chapter 2 that "separation due to a condition that does not rise to the level of disability requires recoupment of the unearned portion of a bonus." that your bipolar disorder is not considered a disability which is the difference between you receiving half separation pay and full separation pay.

Your argument that both MILPERSMAN 1920-040 and OPNAVINST 1900.4 both state that the "Secretary of the Navy may award full separation pay to individual member discharged for convenience of the government in extraordinary instances when specific circumstances of the separation and overall quality of the member's service have been such that the denial of half separation pay would be clearly unjust", are correct. However, your circumstances did not fall within those guidelines and therefore, did not warrant the Secretary awarding you full separation pay or waiving the recoupment of the unearned portion of the Selective Reenlistment Bonus.

The Board further found that reenlistment bonuses are paid for a specific purpose. The Navy must maintain a sufficient number of Sailors with technical skills in various communities to support

their overall mission. The Selective Reenlistment Bonus (SRB) is one means by which the Navy incentivizes Sailors with the required skills to voluntarily reenlist in order to meet the Navy's future expected manning needs. Reenlistments under the program ensure a steady stream of qualified personnel in the required specialties. Not all communities have expected shortfalls. Therefore, reenlistment bonuses for special programs are not offered for every community and not all Sailors qualify. The fundamental purpose of paying SRB to a Sailor is to ensure the retention and availability of that Sailor in the community for a specified term. In your case, the Board agreed with the advisory opinions that, because you did not gain and maintain proficiency in the community and for the NEC that you received the bonus, in the Board's view, recoupment of the unearned portion of the bonus was appropriate.

After reviewing all the circumstances in your case, in the Board's view, the decision to recoup the unearned portion of the bonus was just, and the half separation pay you received was properly awarded according the Separation Program Code guidelines. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously 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,



ROBERT D. ZSALMAN  
Acting Executive Director

Enclosures: 1. CNO Memo 7220 Ser N130D2/13U0892 of 11 Oct 13  
2. CNO Memo 7200 Ser N130C4/14U0803 of 23 Jun 14