



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

DJC  
Docket No. NR1609-14  
10 Jun 14

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[REDACTED]

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

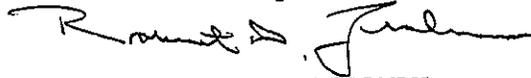
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 June 2014. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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. Also considered was the fact that you neglected to assert a claim for an inordinately long period of time, and provided little evidence as to why you did not make a claim for this pay earlier. As a direct result of the lapse of time that is attributable to you, the government is at a disadvantage in researching/resolving your claim and may not be able to now determine whether your claim has merit or not.

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. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

Please be advised that, due to the passage of time, any further claim you submit to Defense Finance and Accounting Services (DFAS) for active duty pay dating to the 1940's may be barred by a federal law known as the Barring Act. Under that statute, a claim against the United States is barred unless such claim is received within six years after the date such claim first accrued. The Barring Act does not merely establish administrative guidelines; it specifically prescribes the time within which a claim must be received in order for it to be considered on its merits. One of the primary purposes of the Barring Act is to reduce the unfairness of having to defend against all manner of claims after a substantial period of time has elapsed. As we all know, with the passage of time, memories fade and documents are lost. The United States has greater difficulty determining the merits of a claim 10, 15 or 60 years after an event than it does within 2 or 3 years of the event.

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. Accordingly, it is particularly important that you provide evidence that supports your claim that you are entitled to payment of a mustering-out check dating back to 1957 should you choose to request reconsideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert D. Zsalmán".

ROBERT D. ZSALMAN  
Acting Executive Director