



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

COPY

Docket No. 481-16
JUL 1 - 2016

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

Subj: REVIEW OF NAVAL RECORD ICO

[REDACTED], USN RET, [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] Subject's naval record

1. Pursuant to the provisions of reference (a) Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to be paid retired pay owed from March 2001 through November 2003.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 28 April 2016 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: Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

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

[REDACTED]

a. In 2001, the Petitioner contacted the Defense Finance & Accounting Service (DFAS) and informed DFAS that his bank account had been changed and at the same time updated his current bank account to where his retirement pay was to be deposited via electronic funds transfer (EFT).

b. Defense Finance & Accounting Service (DFAS) will complete an audit of Petitioner's records to determine if Petitioner is due any back pay and allowances. Note: In March 2001, without any input from the Petitioner, the pay delivery method was changed from EFT to a hardcopy Treasury check and was mailed to a [REDACTED] branch in [REDACTED]. However, Petitioner did not live in [REDACTED] and did not have an account in [REDACTED] therefore, Wells Fargo returned the retirement paycheck to DFAS Retired and Annuity Pay on 4 April 2001. As a result, DFAS Retired and Annuity Pay suspended all future retirement payments. Since then, Petitioner was retroactively paid his retirement payments for the period 12 November 2003, through 30 November 2009. However, DFAS retired and Annuity Pay has not paid the retirement pay for the period of 1 March 2001, through 11 November 2003, due to the Barring Act statute of limitations. On or about 30 April 2014, the Defense Office of Hearings and Appeals (DOHA) waived the time limits imposed by 31 U.S.C. § 3702(b) to the maximum amount of \$25,000.

c. A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. It is certified that 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.

[REDACTED]
Recorder

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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

[REDACTED]
Executive Director