



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

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Docket No. 5580-21
Ref: Signature Date

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Dear Petitioner:

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 was 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 30 November 2021. 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 Navy Pay and Personnel Support Center letter 5400 N00 of 28 October 2021; a copy of which was previously provided to you for comment.

On 20 February 2018, you were issued official separation orders (BUPERS order: 0518), while stationed in ■■■■■■■■ with an effective date of departure of August 2018. The Secretary of the Navy accepted your resignation of your present commission in the U.S. Naval Service submitted on 30 August 2017, to take effect at 2400 on date of detachment from activity at which separated. On 31 August 2018, you were honorably discharged upon completion of required active service. On 20 September 2018, Master Military Pay Account states that your base pay stopped effective 31 August 2018. On 9 November 2018, Defense Finance and Accounting Service (DFAS) informed you of your indebtedness to the U.S. Government. Your debt was based on payments received after you entered a no pay status due to your separation on 31 August 2018. On 16 August 2021 (your billing date), DFAS informed you that your account was paid in full.

You requested correction of your separation date, the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that you were approved to separate from the U.S. Navy on 31 August 2018. There is no evidence that you continued to work on active duty until 14 September 2018 or that you received prior approval to extend your separation date to 14 September 2018. The Board recognizes that due to an administrative error, you were overpaid, however, there is no error in your record, and your debt is valid. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

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.

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,

1/7/2022

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Deputy Director

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