



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

█
Docket No. 6904-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █ █, USN RET, █

Ref: (a) Title 10 U.S.C. §1552
(b) MILPERSMAN 1746-020

Encl: (1) DD Form 149 w/attachments
(2) OCNO memo 7220 Ser N130C/22U0312 of 22 Feb 2022
(3) Subject's naval record

1. Pursuant to the provisions of reference (a) Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting his naval record be corrected to show Petitioner was reimbursed █ for erroneous meal deductions.

2. The Board, consisting of █, and █ reviewed Petitioner's allegations of error and injustice on 29 March 2022 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, relevant portions of Petitioner's naval record, 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. On 16 September 2008, Petitioner was advanced to CTI1/E-6.

c. In accordance with reference (b), Enlisted Service members assigned to duty where a Government mess is operated may, under certain conditions, be authorized to mess separately (RATSSEP) and be paid a basic allowance for subsistence (BAS).

d. On 5 August 2016, Petitioner arrived to █ for duty.

e. In accordance with Petitioner's Leave and Earnings Statement (LES)s beginning August 2017 and Master Military Pay Account (MMPA) effective 1 January 2017 Petitioner was authorized BAH at the without dependent rate for █

f. On 20 September 2018, █ Intelligence, Surveillance and Reconnaissance Wing notified █ via memo that Petitioner never used a meal card at █.

g. On 27 September 2019, Petitioner transferred, and arrived to █ for duty.

h. On 31 July 2021, Petitioner honorably transferred to the Fleet Reserve upon having sufficient Service for retirement.

i. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants partial favorable action. Petitioner provided a letter dated 20 September 2018 from the Food Service Officer at [REDACTED] stating he had never used a meal card at the government dining facility on base. Based on the provided LESs the total deductions between 1 August 2017 and 20 September 2018 were [REDACTED] which includes the 20 days of September prorated at [REDACTED] per day. Petitioner was already reimbursed [REDACTED] as reflected on the January 2019 LES. Even though Petitioner was gained at [REDACTED] on 5 August 2016, no LES data was provided prior to 1 August 2017 to prove meals were deducted during Petitioner's first year. N130C recommends reimbursing the member an additional [REDACTED]

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following partial corrective action. The Board concluded that there is a possibility that all meal deductions taken were not reimbursed and an audit of Petitioner's financial record should be conducted by DFAS to determine what is still owed to Petitioner for the period of 1 August 2017 to 31 December 2018.

RECOMMENDATION

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

Petitioner was reimbursed for meal deductions not yet credited from 1 August 2017 through 31 December 2018 Note: Defense Finance & Accounting Service (DFAS) will complete an audit of Petitioner's records to determine if Petitioner is due any back pay.

That part of the Petitioner's request for corrective action that exceeds the foregoing be denied.

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.

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.

4/21/2022

[REDACTED]

Deputy Director

[REDACTED]