



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

██████████  
Docket No. 1296-22  
Ref: Signature Date

██████████  
████████████████████  
██████████

Dear ██████████:

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 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 24 March 2022. 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.

On 21 March 2005 Naval Reserve Personnel Center notified you a review of your record indicates that your last six years of qualifying service has not been served as a member of a reserve component for non-regular retirement. A Notification of Eligibility for Retired Pay at age 60 would be issued once this requirement had been met. On 4 June 2007 Navy Personnel Command (NPC) notified you that the Chief of Navy Personnel approved your request and authorized your transfer to Retired Reserve status effective 1 July 2007. You would be eligible for retired pay benefits at age 60—on 11 April 2013 you turned 60 years old. On 20 July 2021 NPC notified you that the Navy approved your application for retired pay for non-regular service. Your initial date of eligibility for retired pay is 11 April 2013.

On 4 October 2021 Defense Finance and Accounting Service (DFAS) notified you that the Barring Act, 31 U.S.C. § 3702, bars payment of any portion of a claim that accrued more than six years prior to receipt of the claim by DFAS. The claim for retired pay accrued from your military retired pay date of 11 April 2013. Your claim was received by DFAS on 9 June 2021. Because more than six years passed before DFAS received your claim for retired pay, payment in the amount of \$41,375.73 for the time period 11 April 2013 through 9 June 2015 was denied. As such, DFAS's decision was final regarding your request. You have the right to

request a waiver of the time limitations established by the Barring Act. DFAS stated that you may submit any waiver request to the Secretary of the service under which the claim arose. If your request for a waiver of the Barring Act is granted, the claim can only be paid up to a maximum of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00).

You requested a waiver for denial of Military pay. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertion that the delay in your application for pay was due to COVID 19 and the resulting understaffing at NPC. However, the Board concluded that your 60th birthday was ██████████ which was the date you became eligible to receive retired pay and there is no evidence that you attempted to apply for retired pay prior to the 6-year limit of the Barring Act. You began the process of obtaining documentation for submitting your application for Retired Pay Benefits (DD Form 108) in November 2019, several months after the 6-year limit; COVID 19 did not cause widespread disruption until March 2020. In this connection, the Board further concluded that your application be denied.

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, \_\_\_\_\_

4/21/2022

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Deputy Director  
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