



service. You were to be retained for an additional 6 months from EAOS 27 July 2018 to 27 January 2019.

On 7 January 2019, as a result of a General Court-Martial, you were sentenced to be confined for 45 months, to be reduced in rank to paygrade E-1, and to be discharged from the Naval Service with a Dishonorable Discharge. On 24 January 2019, your request for deferment of your adjudged reduction in pay grade and your adjudged forfeiture of pay was denied. On 22 April 2019, the Convening Authority, in accordance with a pre-trial agreement, suspended any confinement in excess of 34 months and commuted the Dishonorable Discharge to a Bad Conduct Discharge. The Convening Authority denied Petitioner's request to defer reduction in paygrade and forfeitures.

From 7 January 2019 to 29 February 2020, you were in a confinement status.

On 10 September 2019, Navy-Marine Corps Appellate Review Activity notified you that recently, the United States Navy-Marine Corps Court of Criminal Appeals affirmed the punitive discharge awarded at your court-martial. You had the absolute right to seek review of your court-martial conviction by the Court of Appeals for the Armed Forces. Although they did not plan to appeal your case without further direction from you, you still had the right to seek further appellate review. Should you desire to appeal your case, or if you have any issues that you would like to bring before the Court of Appeals for the Armed Forces, or if you have questions concerning your appellate rights, please contact them within twenty (20) days of this letter. If you decide not to appeal further, there are certain administrative measures that you may desire to pursue. Enclosed were some informative material pertaining to available administrative remedies and a list of agencies that may help you in your efforts to upgrade your discharge.

On 4 March 2020, you were put on appellate leave, and it was terminated on 4 November 2020.

In accordance with the DoD 7000.14-R Financial Management Regulations, Volume 7A, chapter 48. General Court-Martial: a member automatically forfeits all pay and allowances while in confinement or in a parole status when the member's sentence includes confinement for more than six months; or confinement of any length and either a dishonorable discharge, a bad conduct discharge, or a dismissal.

Forfeitures of pay or pay and allowances begin 14 days after the sentence is announced, except in the case of a summary court-martial. Forfeitures imposed by a summary court-martial begin on the date the convening authority approves the part of the sentence establishing the forfeiture.

A member who has accrued leave before entering an appellate leave status will use his/her accrued leave for the period of appellate leave, unless the member elects to be paid for such accrued leave in a lump sum. Forfeitures will not be deducted from these leave payments in either situation.

On 23 November 2021, Defense Finance and Accounting Service (DFAS) notified you of indebtedness to the United States Government. VHA debt (\$6,277.27) is due to an overpayment of variable housing allowance from 7 January 2019 to 28 February 2019. APD debt is due to an

allotment(s) of \$2,150.00 per month for 1 month for February 2019 that were paid on your behalf. These payments were made during times when you were not entitled to the pay received and must be collected back to offset the original payment. BAS debt is due to an overpayment of basic allowance for subsistence from 7 January 2019 to 5 March 2019. OTS debt is due to a non-pay related deduction for Service Member's Group Life Insurance paid on your behalf from February 2019 to November 2020. If you disagreed with the validity or amount of your debt, you could contact the Pay Office, DMPO, or AFAFO that placed you in debt and have them provide proper documentation to alter or cancel your debt.

You requested for the debt that you owe DFAS be corrected and for pay and allowances that were withheld from 28 February 2019 to 10 September 2019, along with 35 days leave be paid back. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertion that that your sentence was approved on 10 September 2019 therefore, you were still subject to pay until that date. The Board concluded that your sentence was approved on 22 April 2019, however, you automatically forfeited all pay and allowances due to your confinement status beginning 7 January 2019. Finally, any leave you had accrued prior to entering appellate leave was used during your period of appellate leave.

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,

6/23/2022

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Deputy Director  
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