



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

██████████
Docket No. 2070-22
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 12 May 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 28 March 1980, you entered active duty. On 8 October 1993, you were honorably discharged voluntarily for early release program- Special Separation Benefit (SSB) as a FC1/E-6. On 9 October 1993, you reenlisted for 3 years in the U.S. Naval Reserve, and you were honorably discharged on 8 October 1996.

On 18 August 2020, Department of Veterans Affairs notified you that they have received information from the Defense finance and accounting service showing that the military paid you separation pay in the amount of ██████████. For SSB paid, Veterans Affairs (VA) will withhold the amount the military paid you minus the amount of Federal income tax withheld. After this amount is paid back, you'll start receiving your full VA compensation. They proposed to reduce your monthly rate of compensation from ██████████ to \$0.00 until the ██████████ has been recouped.

You requested that you be exempt from recoupment of the SSB you received. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertion that your Certificate of Release or Discharge from Active Duty—DD Form 214 effective 8 October 1993 had errors and based on those errors, you believe the SSB

calculation was wrong. The Board concluded that your DD Form 214 contains no errors with regards to listing your years of service, therefore, your SSB was properly calculated. Furthermore, in accordance with the VA letter you received on 18 August 2020, as well as NAVADMIN 061/93¹ and DoD 7000.14-R FMR volume 7B, chapter 23², you are required to pay back the SSB you received. Finally, although there is no SSB amount listed on your DD Form 214, the Board disagreed with your assertion that the SSB value was zero, therefore, amount you were paid is subject to recoupment.

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,

6/9/2022

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Deputy Director

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¹ In accordance with NAVADMIN 061/93 published on 16 April 1993, the FY 94 enlisted Voluntary Separation Incentive (VSI)/SSB program was being offered to eligible ratings. In paygrades between E-5 and E-9, with length of service ranging from 8 to 20 years applications were accepted until 30 June 1993. All separations occurred not earlier than 1 October 1993 and no later than 30 November 1993. The FC1 rating was listed for members having a minimum of 9 years of service and a maximum of 20 years of service. The SSB is a lump sum payment equal to 15 percent of the final monthly base pay times 12 times years of service. Members who received SSB and subsequently became eligible for Veterans Administration disability compensation must forfeit an amount equal to the total amount of SSB paid.

² In accordance with DoD 7000.14-R FMR volume 7B, chapter 23. A member who has received SSB or VSI and who later qualifies for retired or retainer pay will have the amount of the SSB or VSI received deducted from each payment of such retired or retainer pay. SSB will also be deducted from disability compensation under the laws administered by the VA.