



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

■
Docket No. 4269-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USNR,
XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) BUPERSINST 1900.8D, 11 Jun 10

Encl: (1) DD Form 149 w/attachments
(2) 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 that his naval record be corrected to show Petitioner was eligible to receive appropriate pay and allowances as a Naval Reservist on active duty from 21 April 2020 through 17 August 2020.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 31 August 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. In accordance with reference (b), the DD 214 will be prepared for personnel being separated from a period of active duty for training (ADT), full-time training duty, or active duty for special work (ADSW) when the period of service was 90 days or more. The DD 214 also will be prepared for personnel being separated for cause or for physical disability, regardless of length of time served on active duty. In the case of disability, the DD 214 will show active duty for only the period for which the member was ordered to ADT. The period of hospitalization subsequent to that period may be shown in the "Remarks" block.

Released from Active Duty Following Call-up, Partial Mobilization or Full Mobilization.
Personnel ordered to active duty in time of National Emergency declared by either the

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USNR,
XXX-XX-[REDACTED]

President or Congress, or war declared by Congress will be provided a DD 214 upon release from active duty. The DD 214 will be issued regardless of the length of time served on active duty.

c. On 19 April 2020, Petitioner was issued official recall to active duty orders ([REDACTED]). Activation activity listed the following: "Under partial mobilization authority title 10 U.S.C. 12304a following presidential disaster declaration in response to the coronavirus outbreak (COVID-19), you are hereby ordered to report for active duty for a contingency operation...for a period of 32 days to include leave and out-processing, unless released sooner by the order issuing authority. The boots on ground requirement for this event is 31 days in theater. Activation under 10 U.S.C. 12304a is a contingency operation in accordance with 10 U.S.C. 101 (a) (13) (b). Member is considered to be in a temporary duty (TDY) status."

Petitioner's ultimate activity was [REDACTED] with an RPT date of 23 April 2020 and EDA of 23 April 2020.

d. On 22 May 2020, Petitioner was issued a mobilization order extension orders issued in support of COVID-19 outbreak response. Furthermore, they listed the following: "SNM is currently mobilized in support of COVID-19 outbreak response [REDACTED]. This serves as authority to modify COMNAVPERSCOM, Millington, TN reserve orders one/190313Z April 2020 by extending member for up to 90 days." Furthermore, in accordance with mission requirements and to facilitate processing and post-deployment leave, Petitioner should expect to detach and out process no later than 17 August 2020.

e. On 16 July 2020, Petitioner was issued official release from active duty orders ([REDACTED]). Petitioner's detaching authority listed an effective date of departure 16 August 2020. Furthermore, they listed the following: "Member must not exceed 120 days total time on active duty on these orders. Member must be complete with out-processing and leave NLT 18 August 2020."

f. Petitioner was released from active duty and transferred to the Navy Reserve with an Honorable character of service and was issued a DD Form 214 for the period of 21 April 2020 to 19 July 2020 upon completion of required active service. DD Form 214 was signed by an authorized official on 3 August 2020.

g. On 19 August 2020, Petitioner's financial record shows that his pay was stopped effective 19 July 2020.

h. Petitioner was released from active duty and transferred to the Navy Reserve with an Honorable character of service and was issued a DD Form 214 for the period of 21 April 2020 to 17 August 2020 upon completion of required active service. DD Form 214 was signed by an authorized official on 26 October 2020.

i. On 14 July 2021, Petitioner was awarded the Joint Service Achievement Medal for the period of April 2020 to August 2020. For managing 11 mission assignments totaling over \$20 million in close coordination with the Department of Public Health and Human Services and the

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USNR,
XXX-XX-[REDACTED]

Federal Emergency Management Agency for the Defense Support of Civil Authorities response to the Coronavirus 2019 Pandemic efforts in [REDACTED] and the [REDACTED].

j. On 24 November 2021, DFAS notified Petitioner of his indebtedness to the U.S. Government. This correspondence was regarding account number [REDACTED]. Petitioner's debt was due to payments received after he entered a no-pay status due to separation as of 19 July 2020. These payments are as follows: mid-month payment dated 15 August 2020 for \$2,928.73.

Furthermore, Petitioner's debt was due to an end of month payment of \$2,944.10, dated 31 July 2020. This payment was for 15 days. Due to Petitioner's date of separation, he was only entitled to 4 days. If Petitioner disagrees with the validity or amount of his debt, please contact the pay office, DMPO, or AFAFO that placed him in debt and have them provide our office with proper documentation to alter or cancel the debt.

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 corrective action. The Board concluded that Petitioner was on active duty beginning on 21 April 2020 and was issued official release from active duty orders ([REDACTED]) on 16 July 2020 directing that he must be complete with out-processing and leave NLT 18 August 2020. Petitioner was issued a DD Form 214 listing a separation date of 19 July 2020 upon completion of required active service; however, Petitioner was still on active duty and incurred a debt due to payments received after he entered a no-pay status as a result of 19 July 2020 separation date. On 26 October 2020, Petitioner was issued a DD Form 214 with a corrected separation date of 17 August 2020; therefore, the Board determined that Petitioner's DD Form 214 issued on 3 August 2020 is erroneous and should be removed from Petitioner's record.

RECOMMENDATION

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

Petitioner's DD Form 214 executed on 19 July 2020 and signed by an authorized official on 3 August 2020, is null and void.

Note: Petitioner was separated on 17 August 2020 vice 19 July 2020. Defense Finance and Accounting Service (DFAS) will complete an audit of Petitioner's records to determine if Petitioner is due any back pay and allowances. Furthermore, Petitioner should settle his travel if applicable.

A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. It is certified that a 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.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USNR,
XXX-XX-[REDACTED]

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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

[REDACTED]

Deputy Director

Signed by: [REDACTED]