

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

> Docket No. 5593-22 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 9 March 2023. 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 13 June 2013 you enlisted in the U.S. Naval Reserve for 8 years with an expiration of obligated service of 12 June 2021. On 17 June 2014, you entered active duty for 4 years with an end of active obligated service (EAOS) of 16 June 2018.

On 2 May 2017 you signed an agreement to extend enlistment for 12 months with a Soft EAOS (SEAOS) of 16 June 2020 due to advancement to rate and grade—total aggregate 24 months.

On 26 June 2019 you signed an agreement to extend enlistment for 15 months with an SEAOS of 16 September 2021 in order to extend to incur sufficient obligated service to execute BUPERS order 1009—total aggregate 39 months.

On 4 August 2021 you were issued official separation orders (BUPERS order: 2161) while stationed in with an effective date of departure of September 2021. Your place elected for travel was a with an effective date of 16 September 2021.

You were released from active duty and transferred to the Navy Reserve with an honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 17 June 2014 to 16 September 2021 upon completion of required active service.

In accordance with DoD 7000.14-R FMR Volume 7A, Chapter 52, this chapter guides military service central site pay operations and field military finance/disbursing offices, henceforth referred to as "finance offices," concerning the sequence order for processing deductions and debt collections from a member's military pay entitlements when the member does not have sufficient pay. Finance offices must review a member's military pay entitlements to determine if the member has sufficient pay to offset all deductions and debt collections. If a member does not have enough pay, Table 52-1, Priority of Deductions and Collections, states which deduction/collection will collect first from the current pay.

In accordance with DoD 7000.-14-R FMR Volume 16, Chapter 3, 3.6.2. Amount of Collections. The military pay office may make collections not exceeding 15 percent of disposable pay for any pay period, unless the member authorizes a greater percentage in writing. Unsatisfied debts at discharge or retirement will be deducted from subsequent payments due the member. For additional guidance on salary offset, refer to Chapter 2, paragraph 9.2.

You requested payment for leave sell back, the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that your LES for the period of 1 to 31 July 2021 listed an SRB payment of **Sector** for a reenlistment date of 18 June 2021. Instead, you extended enlistment for 15 months on 26 June 2019. Therefore, your SRB payment was recouped and a debt was created. In accordance with DoD 7000.-14-R FMR Volume 16, Chapter 3, 3.6.2., the leave payment due to you upon your separation was applied to satisfy your debt to the government, leaving a total due to you of **Sector**, which you have already received.

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

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Deputy Director	
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