

administrative separation on 14 January 2021 with a General under honorable conditions. You were separated from the Navy on 5 March 2021.

You were discharged with an Under Honorable Conditions (General) character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 28 November 2018 to 5 March 2021 for misconduct (Drug abuse).

In accordance with DoD 7000.14-R FMR Volume 16, Chapter 3. Priority of Pay Deductions and Collections. Unsatisfied debts at discharge or retirement will be deducted from subsequent payments due the member.

On 26 March 2021, your base pay was stopped effective 5 March 2021.

Your Leave and Earnings Statements (LES) issued after your separation listed a leave balance of 16.5 days and that you were paid \$1,100.39 for 16.5 of unused leave.

On 1 July 2022, Defense Finance & Accounting Service (DFAS) notified you of your indebtedness to the U.S. Government. Your debt was due to a mid-month payment of \$1,722.60 of 15 March 2021. This payment was for 15 days. Due to your date of separation, you were only entitled to 5 days.

You requested payment for 16.5 days of unused leave; 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 in accordance with your LES issued after your separation, you were paid \$1,100.39 for 16.5 of unused leave; however, you owe a debt to the government for erroneous active duty pay and allowances you received. Your leave payment was used to offset the debt you owe to DFAS. In accordance with the DoD 7000.14-R FMR Volume 16, Chapter 3, unsatisfied debts at discharge will be deducted from subsequent payments due the member.

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,

10/19/2022

