

DEPARTMENT OF THE NAVY

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

> Docket No. 8343-22 Ref: Signature Date

	From:	Chairman,	Board	for	Correction	of Naval	Records
--	-------	-----------	-------	-----	------------	----------	---------

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO

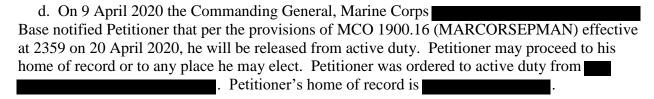
USMCR

Ref: (a) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/attachments

- (2) Advisory opinion by HQMC (RFF), 22 Nov 22
- (3) 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's release from active duty date is "20 April 2020" vice "20 March 2020"
- 2. The Board, consisting of ________, and ________ reviewed Petitioner's allegations of error and injustice on 9 March 2023 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:
- a. On 21 March 2016, Petitioner entered active duty for 4 years with an end of current contract (ECC) of 20 March 2020.
- b. On 17 March 2020, Petitioner signed an agreement to extend enlistment for 1 month with an end of active service (EAS) of 20 April 2020 in order to await response from Headquarters, U.S. Marine Corps (HQMC).
- c. Petitioner was released from active duty and transferred to the Marine Corps 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 21 March 2016 to 20 March 2020 upon completion of required active service.





e. On 28 January 2022 the Defense Finance and Accounting Service (DFAS) notified Petitioner that DFAS is the Department of Defense (DoD) agency responsible for collection of individual debts owed to the United States Government by former DoD employees, service members, or other debtors. Petitioner's debt(s) has been referred to the DFAS Debt Collection Management Office for collection. DFAS previously notified Petitioner of a debt owed to DoD and have not received a payment. This is Petitioner's final notice on his delinquent debt.

Debt is due to two payments received after Petitioner entered a No Pay status due to separation as of 03/20/2020. These payments are a regular payment of \$\frac{15}{2020}\$, dated 15 April 2020, and a regular payment of \$\frac{15}{2020}\$, dated 1 May 2020.

Debt is due to the loss or damage of government property. If Petitioner disagrees with the validity or amount of your debt, contact the pay office, DMPO, or AFAFO that placed him in debt and have them provide this office with proper documentation to alter or cancel the debt.

f. In the advisory opinion, attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

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. Petitioner entered into a 1-month extension prior to his ECC, changing his EAS to 20 April 2020. The extension was approved at the local command level and his new EAS was ran on 22 March 2020. On 28 April 2020, without HQMC approval his EAS was erroneously changed back to his original EAS of 20 March 2020 which then created a debt of . Additionally, the IPAC erroneously issued a DD Form 214 and reported Petitioner's release from active duty with a separation date of 20 March 2020. There is evidence in Petitioner's record the IPAC was aware of the extension as Petitioner's Release from Active Duty Orders were certified by the same Personnel Officer, on the same day, with the correct effective date of 20 April 2020.

RECOMMENDATION

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

Petitioner's DD Form 214 block 12b (Separation Date this Period) listed "20 April 2020" vice "20 March 2020". Note: That any other entries affected by the Board's recommendation be corrected.

Subj:	REVIEW OF NAVAL RECORD ICO	
	USMCR	

Note: DFAS will complete an audit of Petitioner's records to determine if Petitioner is due any back pay and allowances.

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.
- 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.

