



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

■
Docket No. 8376-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER ■■■■■■■■■■, USN,
XXX-XX-■■■■■

Ref: (a) Title 10 U.S.C. § 1552
(b) MILPERSMAN 1050-100, 21 Apr 15

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by OCNO (N130C3), 15 Dec 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 leave period of 20 May 2019 to 24 May 2019 was cancelled and not chargeable.

2. The Board, consisting of ■■■■■■■■■■, ■■■■■■■■■■, and ■■■■■■■■■■ reviewed Petitioner's allegations of error and injustice on 14 June 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. 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 27 August 2019, Petitioner's Master Military Pay Account (MMPA) shows that his leave period of 20 May 2019 to 24 May 2019 (5) was cancelled.¹

b. Petitioner was discharged 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 9 November 2010 to 29 August 2019 upon completion of required active service.

c. On 30 March 2020, Defense Finance and Accounting Service (DFAS) notified Petitioner of Final Notice: Indebtedness to the United States Government. Debt is due to leave Petitioner took from 31 July 2019 to 29 August 2019 resulting in a negative leave balance of 5 day(s)

¹ On 30 August 2019, Petitioner's MMPA shows that a leave period of 20 May 2019 to 24 May 2019 (5) was charged.

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which includes a non-accrual of 0.5 day(s). Petitioner is not entitled to pay and allowances during periods of negative leave. Total balance due is \$929.68.

d. On 10 April 2020, Navy Standard Integrated Personnel System (NSIPS)² shows Petitioner's leave request for the period of 20 May 2019 to 24 May 2019 (5 days), submitted on 11 April 2019, and was cancelled.

e. On 5 July 2022, Treasury, Bureau of the Fiscal Service issued Petitioner a Notice of Intent to initiate administrative wage garnishment proceedings. Federal Agency: DFAS—amount of the debt: \$1,243.49. Treasury Case Number: [REDACTED].³

f. On 14 October 2022, DFAS notified Petitioner that this is in response to his request for a hearing under 31 U.S.C. § 3720D and 31 C.F.R. § 285.11, for Account Number [REDACTED]. It was determined an administrative hearing was appropriate. The hearing was accomplished by reviewing the records to validate the debt for the purpose of administrative wage garnishment. The enclosed copy of the hearing decision is for your information. It is to your benefit to read the entire hearing decision and comply with any instructions. A copy of the decision was provided to the Treasury Department for their action.⁴

g. 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. The Board concluded that Petitioner provided the NSIPS screen shot showing his approved leave request ([REDACTED]) was cancelled through the proper channels and his MMPA reflects the cancellation on 27 August 2019. However, Petitioner's leave request ([REDACTED]) was

² Reference (b), service member requests leave in NSIPS Electronic Service Record (ESR) Electronic Leave (e-Leave). Once approved, no further action is necessary unless the Service member must adjust the leave dates or cancel the leave request prior to the approved leave dates. Service member prints an approved copy of his or her leave paper 3 days prior to leave commencement from the ESR self-service account in NSIPS. NSIPS ESR e-Leave will automatically charge leave based on the approved dates within the system. If a Service member checks out later or returns earlier than approved, the Service member can use NSIPS ESR e-Leave to adjust the dates of leave without command leave administrator (CLA) intervention. In all other cases, corrections can be made by the CLA. NSIPS ESR e-Leave will process transactions to DFAS 24 hours after the first day of chargeable leave.

³ Petitioner failed to pay his debt in full or otherwise make arrangements to resolve the debt. The Department of Defense (DoD) previously sent Petitioner a letter explaining why he owes this debt. If he does not pay his debt or take other action described below (original letter), they, on behalf of the DoD will issue a wage garnishment order to Petitioner's employer to collect the debt. If Petitioner pays his debt in full or enters into a repayment plan acceptable to Treasury before August 4, 2022, a garnishment order will not be issued to Petitioner's employer.

⁴ Based on a review of Petitioner's records, and pertinent documentation, it is determined the debt remains valid and the amount is correct. Petitioner was provided due process and collection of the debt by administrative wage garnishment, not to exceed 15% of disposable pay, is proper.

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reinstated as chargeable the day after Petitioner was discharged. The Board determined Petitioner provided sufficient documentation to confirm that leave was cancelled and later charged again in error creating a debt.

RECOMMENDATION

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

Petitioner's leave period from 20 May 2019 to 24 May 2019 (5 days) was cancelled.

Note: That any other entries affected by the Board's recommendation be corrected. DFAS will restore 5 days leave to Petitioner's leave account, and 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.

6/16/2023

[REDACTED]

Deputy Director
Signed by [REDACTED]