

DEPARTMENT OF THE NAVY

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

> Docket No. 4006-23 Ref: Signature Date

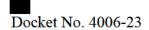
Dear ,

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 17 January 2024. 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.

In accordance with DoD 7000.14-R FMR Volume7A, Chapter 1, the pay of Military Service members is prescribed by law. Current basic pay rates are contained in Tables 1-7, 1-8, 1-9, 1-10, and on the Basic Pay tables on DFAS.MIL. Members are entitled to receive pay according to their pay grades and years of service if they are: on active duty in a pay status; and not prohibited by law from receiving such pay.

In accordance with DoD 7000.14R FMR Volume 16, Chapter 2, Debts Incurred on or After December 23, 2016. If a member incurs a debt to the United States on or after December 23, 2016, the indebtedness may only be recovered if collection commences before the end of the 10-year period beginning on the date the member incurred the debt. Generally, the date a debt is "incurred" by a member is the date the overpayment is received by the member. The date debt collection commences is typically when the member receives written notification of the debt. The 10-year limitation applies only to debts that meet all of the following requirements: The debt must have been incurred through no fault of the member; The debt must be the result of the overpayment of pay or allowances or be incurred upon the settlement of the member's accounts; and the debt must belong to a current, retired, or former member.



On 28 July 2015, you entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 27 July 2019 and Soft EAOS (SEAOS) of 27 July 2020.

On 22 July 2020, Navy Standard Integrated Personnel System/Electronic Service Record shows a 1-month agreement to extend enlistment with an SEAOS of 27 August 2020.

On 24 August 2020, you were issued official separation orders (BUPERS order: 2370 while stationed in with an effective date of departure of August 2020. Your place elected for travel was with an effective date of separation of 27 August 2020.

You were released from active duty and transferred to the Naval Reserve with an Honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 28 July 2015 to 27 August 2020 upon completion of required active service. Furthermore, block 16 (Days accrued leave paid) is 17.

On 16 September 2020, Master Military Pay Account shows a stop of entitlements effective 27 August 2020. Furthermore, you were charged terminal leave for the period of 31 July 2020 to 27 August 2020 (28 days). Finally, you erroneously received mid-month of September \$1,972.67.

You requested change your record to reflect you were not overpaid \$1,136.91 on 15 September 2020, the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertion that, "[i]t's not your fault that your pay was messed up and it should have been corrected a long time ago." However, the Board concluded you were separated on 27 August 2020 at the end of your contract, and your drop from the Navy was reported on 16 September 2020, resulting in you receiving pay to which you were not entitled. According to the above assertion, you are aware that you received the pay in error, however you believe that you should not have to repay the debt because it was not your error and it happened over 3 years ago. In accordance with DoD 7000.14R FMR Volume 16, you incurred a debt to the United States less than 10 years ago, therefore the indebtedness may be recovered.

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.

