



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

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Docket No. 9065-23
Ref: Signature Date

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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 18 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 addition, the Board considered the advisory opinion contained in Headquarters, U.S. Marine Corps memorandum 7200 RFF of 6 December 2023, which was previously provided to you for comment.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

In accordance with DoD 7000.14-R FMR Volume 7A, Chapter 27, 2.3.1.1. Family Separation Allowance (FSA) is payable to a member serving in any grade as a member with dependents. The member must meet all general requirements and one of the following conditions:

FSA - T. The member is on Temporary Duty (TDY) or Temporary Assigned Duty (TAD) away from their PDS (PDS pertains to active component) or the home of residence (HOR) (HOR pertains to reserve component) continuously for more than 30 days, and the member's dependents do not reside at or near the TDY or TAD station. This includes members who are required to perform a period of the TDY or TAD before reporting to their initial station of assignment. Members on an unaccompanied tour are entitled to FSA-T for TDY or TAD

periods of over 30 continuous days if the member's dependents do not reside at or near the TDY or TAD station and they do not reside near the PDS as defined in paragraph 3.3.

Table 27-3. Date to Stop FSA, Rule 3. If a member returns from TDY or TAD of more than 30 days, then FSA credit continues through the day before the date of the member's return from TDY or TAD.

On 24 September 2019, you were issued ordered to activation-preplanned mission, while stationed in ██████████ ██████████. Your reporting activity was ██████████ ██████████ for duty for 305 days (1 December 2019 to 30 September 2020) with a no later than 2330 on 1 December 2019.

On 1 December 2019, you were entered active duty and joined to ██████████ ██████████. On 2 December 2019, you departed for TAD excess. On 6 January 2020, you were attached TAD to ██████████ ██████████. On 11 August 2020, your TAD was terminated.

On 19 August 2020, you were issued modification to activation-preplanned mission, while stationed in ██████████ ██████████. Your reporting activity was ██████████ ██████████ for duty for 320 days (1 December 2019 to 15 October 2020) with a no later than 2330 on 1 December 2019.

On 3 September 2020, you arrived from TAD excess. On 15 October 2020, you were separated from active duty with a Separation Program Designator code of MBK3.

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 1 December 2019 to 15 October 2020 upon completion of required active service.

On 27 January 2023, Defense Finance and Accounting Service (DFAS)-IN/DEBT AND CLAIMS (Account Number: ██████████) notified you that the debt of \$350.00 is due to overpayment of a military pay or allowance related entitlement from 3 September 2020 to 14 October 2020. This entitlement was FSA-T. If you disagree with the validity or amount of your debt, please contact the pay office, DMPO, or AFAFO that placed you in debt and have them provide our office with proper documentation to alter or cancel your debt.

On 30 March 2023, DFAS-IN/DEBT AND CLAIMS (Account Number: ██████████) notified you that debt of \$360.58 is due on 30 April 2023.

On 31 May 2023, you signed a Waiver of Indebtedness Application (DD Form 2789) requesting a waiver of the gross debt amount of \$360.58 that you received for two different debit notifications sent at two different times with two different amounts. "I waited to see if I would receive another debt amount. Once I was completely aware I called DFAS to inquire on what options were available for me to handle the debt." Note: only page one was provided.

On 24 July 2023, DFAS notified you that, “This is in reference to file number MSI6QC342. You applied for remission of indebtedness resulting from collections of cost during your appointment as a midshipman in the amount of \$360.58.

You must submit your waiver/remission application through your previous or current Commanding Officer, per the Marine Corps Financial Pay Manual (FPM) Volume 1, Chapter 13, 130201B. The waiver/remission must be submitted through your prior or current command because the request for waiver/remission must be submitted in the Document Tracking System (DTMS) via Marine Online (MOL), per 130201C. Once your waiver/remission case is ready for processing, your previous finance office will electronically notify us via MOL that your waiver/remission packet is complete and ready for processing, at which time our office can resume adjudication of your waiver/remission request.”

You requested correction to overpayment of military pay in 2020 from DFAS and waiver of debt; 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 a review of the debt shows that you were paid FSA for the period of 3 September 2020 to 14 October 2020. These dates coincide with the date you returned from TDY and the date you were released from active duty, respectively. In accordance with DoD 7000.14-R FMR, FSA continues through the day before the date of the member’s return from TDY or TAD. The Board determined that you were not entitled to FSA for that period and that your debt is valid, therefore no change to your record is warranted. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

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,

2/1/2024

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Deputy Director

Signed by: █