



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

█  
Docket No. 6074-23  
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 14 December 2023. 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 (AO) contained in Headquarters, U.S. Marine Corps (HQMC) memorandum 7200 RFF of 26 July 2023 and HQMC memorandum 7200 RFF of 6 November 2023, which was previously provided to you for comment.

On 5 June 1997, you enlisted for 8 years with an end of service of 4 June 2005. You were released from active duty and transferred to the Marine Corps 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 3 June 1998 to 2 June 2022 upon completion of required active service.

On 12 November 2003, Statement of Military Pay Account (DFAS-DE Form 0-641) listed an amount unpaid/overpaid of \$3,545.93 based on a mid-month payment (14 June 2002), EOM Payment (1 July 2022), and mid-month payment (15 July 2002).

On 12 November 2023, Joint Uniform Military pay System/Manpower Management Systems under DEBT REASON INFORMATION listed the following: "The debt is due to mid-month and end-of-month payments issued to you from 14 June 2002 to 15 July 2002 which reflect payment of pay and allowances through 15 July 2002. You were not entitled to pay and allowances from 3 June 2002 to 15 July 2002 due to your separation from military service on 2 June 2002. Please see attached debt validation for dates and amounts of payments."

On 22 June 2023, Defense Finance and Accounting Service (DFAS)-IN/DEBT AND CLAIMS notified you that your Total Balance Due is \$9,104.63.

On 26 October 2023, DFAS notified the Board that, “[t]he member does have an old debt. The debt was established on 21 July 2003 and first notified on 14 Nov 2003. I have attached a copy of the debt reason labeled █ docs. The member had called our customer service in Nov 2003 and said he was going on active duty within 3 weeks and wanted the debt collected from his pay. So the debt was suspended. Apparently, DFAS wasn’t monitoring their reports and found the suspended account this year and sent the notification letter. The account was suspended from 2003 – 2023.”

You requested to fix the discrepancy in your record leading to the DFAS-IN/Debt and Claims notice of 22 June 2023, the Board in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertion that due to this discrepancy, you are being asked to repay 13 months of salary that you did not receive, along with 21 years of penalties, interest, and administrative fees. However, the Board concluded that the debt is due to mid-month and end-of-month payments issued to you from 14 June 2002 to 15 July 2002. Furthermore, in accordance with DFAS records, you were aware of the debt in 2003 and asked to have DFAS collect the debt from your pay. However, DFAS suspended the debt and it remained suspended until discovered by DFAS earlier this year. The Board determined that you are responsible to repay the government for the pay you erroneously received. Additionally, the Board felt that requiring you to pay the interest, penalties, and administrative fees is unjust based on the error DFAS committed to let your debt linger for such a long period of time, however the Board has no authority to direct DFAS to adjust your debt balance.

It is recommended you visit <https://www.dfas.mil/debtandclaims/militarydebts/Dispute-Protest-Debt-Base-Level> for the necessary steps needed to dispute the debt and submit appropriate documentation along with HQMC memo 7200 RFF of 6 November 2023 that was provided to you in order for DFAS to consider removing all the interest and penalties applied to the debt. In this connection, the Board substantially concurred with the comments contained in the AO.

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,

12/28/2023

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