



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. 6895-23
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 16 April 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 Commanding Officer, Navy Pay and Personnel Support Center memorandum 7220 N1 of 13 February 2024, which was previously provided to you for comment.

You were transferred to the Fleet Reserve from active duty 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 13 August 2001 to 31 May 2022 upon having sufficient service for retirement. Days accrued leave paid was 14.0. Furthermore, authorized official signed on 13 June 2022.

Defense Joint Military Pay System Leave and Earning Statements Online Inquiry System for the period covered of 1 – 31 May 2022 listed 14.0 days unused leave paid \$2,059.54.

On 3 June 2022, you were issued official Fleet Reserve orders (BUPERS order: 1542) while stationed in █, █, █ with an effective date of departure of May 2022. Petitioner's home of selection: deferred with an effective date of retirement of 3 June 2022.

On 9 October 2022, Master Military Pay Account listed your base pay stopped effective 31 May 2022.

You requested final pay for leave days sold back at retirement, the Board in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that, “[a]ll debt has been paid and verified with DFAS Indy. MILPAY needs a copy of separation worksheet in order to release final pay for leave days sold back before retirement. I have attached all LES from March-July showing payments debited from retirement pay.” However, the Board concluded that upon your retirement, you were paid one additional mid-month paycheck that you were not entitled. This was due to your strength loss being reported on 7 October 2022 effective 31 May 2022. The leave sellback and other adjustments were applied to the debt. Because you are not entitled to receive active-duty basic pay and allowances after your transfer to the Fleet Reserve, the Board determined that your debt is valid, and you are not entitled to additional final separation payments. 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,

4/22/2024

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