



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

██████████  
Docket No. 7234-23  
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 2 July 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 Office of the Chief of Naval Operations memorandum 7220 Ser N130C3/23U1190 of 6 October 2023, and your response to the advisory opinion.

In accordance with DoD 7000.14-R FMR Volume 7A, Chapter 1, 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.

On 5 December 2019, you notified the Secretary of the Navy via Commanding Officer, VFA-213 and Commander, Navy Personnel Command (PERS-834F) that, “[p]er references (a) [SECNAVINST 1920.6C] and (b) [MILPERSMAN 1920-090], [you] hereby submit [your] resignation from active duty (ACDU) service in the United States (U.S.) Navy and request that it be accepted. [You] have been informed and understand that if this resignation is accepted, [you] will subsequently receive an Honorable (HON) discharge from the Naval Service. [You] desire detachment in Nov/2020.”

You resigned with an honorable character of service and were issued a DD Form 214, Certificate of Release or Discharge from Active Duty for the period of 9 May 2009 to 30 November 2020

upon completion of required active service. Furthermore, block 16 (DAYS ACCRUED LEAVE) listed 22.5 days.

Your Leave and Earnings Statement (LES) for the period of 1 to 30 November 2020 listed a brought forward balance of 47.5 days leave, earned 5.0 days, used 30.0 days, and current balance of 22.5 days.

On 21 December 2020, your Master Military Pay Account printout listed a basic pay “entry close date” of 21 December 2020 effective 30 November 2020.

Your USAA Bank Statement for the period of 19 November 2020 to 22 December 2020 shows deposits from Defense Finance and Accounting Service (DFAS)-CLEVELAND in the amount of \$4,893.41 on 30 November 2020 and \$4,893.43 on 14 December 2020.

Your LES for the period of 1 to 31 December 2020 listed a brought forward balance of 0.0 days leave, earned 0.0 days, used 0.0 days, current balance of 0.0 days, and leave paid 22.5 days. Furthermore, listed Lump Sum Leave (LSL) credit of \$5,595.30, and mid-month-pay deduction of \$4,893.43.

On 16 February 2023, the DFAS notified you of indebtedness to the Government of \$3,304.39. “Debt is due to a mid-month payment of \$4,893.43, dated 12/15/2020. this payment was for 15 days. Due to your date of separation, you were only entitled to 0 days.”

On 10 August 2023, the DFAS notified you that, “[t]his correspondence is regarding account number (CLX8PC31Z); due to a mid-month payment dated 12/15/2020. Your debt has been paid in full, with no outstanding balance due. Our records indicate that your account was placed in a paid in full status on 7/26/2023.” Total debt amount paid: \$3,304.39.

On 6 October 2023, Office of the Chief of Naval Operations notified the Board that, “[a]fter careful review and consideration of enclosure (1) and the Navy pay and personnel system, member’s sold leave was used to satisfy the mid-month payment received in December and an additional debt however, there is no evidence to confirm the additional debt that was generated in February 2023 for the mid-month payment received in December 2020. There is not enough information in the current pay system to make a determination. N130 recommends an audit of members pay record to determine the cause of the additional debt in the amount of \$3,304.39 established in February 2023. If the new debt was an actual duplicate of the December 2020 mid-month payment, debt should be cancelled, and amount paid in July 2023 reimbursed to member.” On 7 May 2024, you provided a response to the advisory opinion and stated which the Board reviewed and considered.

You requested payment for selling back 22.5 days of LSL, 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 you were separated from the Navy on 30 November 2020. Your separation was not closed out in the system until 21 December 2020; consequently, you erroneously continued to receive pay and entitlements. According to your USAA bank statements, you received pay on 30 November 2020 and 14 December 2020 for

\$4,893.41 and \$4,893.43 respectively. The Board determined that the 30 November 2020 payment was not your final pay as you assert, but rather the paycheck for 1 December 2020. When your debt was processed in February 2023, your erroneous payments were offset by your leave sellback, leaving you with a debt of \$3,304.39. Because you did not provide your final settlement showing otherwise, the Board concluded that your debt is due to receiving two erroneous payments after your separation, that your leave sellback was correctly applied to your debt and that no change to your record is warranted. The Board recommends that you contact the DFAS for a breakdown of your pay upon separation to determine your pay breakdown.

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,

7/24/2024

