

You were discharged from active duty 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 September 2013 to 25 September 2022 upon completion of required active service.

On 29 September 2022, Separation Worksheet was created. You were charged leave from 18 July 2022 to 25 September 2022. Ending leave balance from prior Leave and Earnings Statement (LES) was -2.5. Furthermore, total overpaid at separation was \$1,018.33.

On 17 October 2022, your Master Military Pay Account (MMPA) shows that your Basic Pay stopped effective 25 September 2022. Furthermore, you were charged with 70 days of terminal leave for the period of 18 July 2022 to 25 September 2022.

On 3 November 2022, DOS + 20 Day Review "V" Status was created. You were charged leave from 18 July 2022 to 25 September 2022. Ending leave balance from prior LES was N/A. Excess leave balance on separation was 11.0. Furthermore, total overpayment at separation was \$2,205.59.

On 26 June 2023, Defense Finance and Accounting Service (DFAS) Indianapolis Center notified you that, "[t]he [DFAS] is the Department of Defense (DoD) agency responsible for collection of individual debts owed to the United States Government by former DoD employees, service members, or other debtors. Pursuant to 31 U.S.C. 3716, your debt(s) has been referred to the DFAS Debt arm Claims Management Operations for collection.

Debt of \$1,630.54 is due to military leave you took from 18 July 2022 to 25 September 2022 which was not posted in a timely manner upon your retirement. Your lump sum leave was calculated based on the sale of 10 days, but you were only due 0 days. 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.

The debt is due to an end of month payment of \$3,340.14, dated 30 September 2022. this payment was for 15 days. Due to your date of separation, you were only entitled to 10 days. 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.

Debt is due to over deduction of federal income tax withholding paid in your behalf after separation to the internal revenue service. You will receive the benefit of the over deductions when you file your tax return."

You requested a review of your naval record to determine the error that caused you to be in 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 on 25 September 2022, you were discharged from the U.S. Navy and your terminal leave concluded with 70 days of leave used out of your 70 days of maximum leave accrual. It was noted your discharge was not reported in your MMPA until 17 October 2022. This erroneously generated

15 days of active duty pay and allowances to be paid to you on your September 2022 end of month payment. You were only entitled to 10 days of active duty pay and allowances. In accordance with 2DoD 7000.14-R Financial Management Regulation Volume 7A, Chapter 1, you are only entitled to pay and allowances when on active duty in a pay status. Additionally, MMPA shows you were erroneously paid 10 days of Lump Sum Leave. With your discharge and Terminal Leave being reported late, your MMPA leave balance did not accurately account for your leave earnings and usage. The Board determined that the late reporting of your discharge stopped your pay effective the date of discharge resulting in the overpayment of 5 days of active duty pay and allowances and 10 days of active duty military basic pay for the leave sold back. Because you were paid while not on active duty in a pay status, your debt is valid, and you are responsible for the repayment of the debt. 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,

4/12/2024

