



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

[REDACTED]  
Docket No. 8656-23  
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN, [REDACTED]

Ref: (a) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/attachments  
(2) Advisory Opinion by NPPSC memo 7220 N1, 6 Feb 24  
(3) Advisory Opinion by NPC ltr 5400 Ser 95/137, 15 Feb 24  
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that her naval record be corrected to show Petitioner transferred to the Temporary Disability Retired List (TDRL) effective 31 July 2022, her debt was waived, and she was reimbursed 52 of days leave.
2. The Board, consisting of [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 7 March 2024 and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies.
3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:
  - a. On 7 December 2021, Petitioner was issued official retirement orders (BUPERS order: 3411 while stationed in [REDACTED] with an effective date of departure of February 2022. Furthermore, the following listed: "On 25 February 2022 you will be transferred to the [TDRL] (100) with grade LT and with retired pay O3 (O-3 E), pursuant to provisions of 10 U.S.C. Section 1202." "Proceed to home of selection. regard relieved of all active duty effective at 2400 on date of detachment."
  - b. On 11 March 2022, Petitioner was issued official modification to retirement orders (BUPERS order: 3411 while stationed in [REDACTED] with an effective date of departure of May 2022. Furthermore, the following listed: "On 25 May 2022 you will be transferred to the [TDRL] (100) with grade LT and with retired pay O3 (O-3 E), pursuant to provisions of 10 U.S.C. Section 1202." "Proceed to home of selection. regard relieved of all active duty effective at 2400 on date of detachment."

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c. On 26 April 2022, COMNAVPERSCOM notified PERSUPP DET NAVSTA [REDACTED] that, "In response to member's permanent limited duty (PLD) request and in accordance with SECNAVINST 1850.4F, the Secretary of the Navy has directed that unless separated by misconduct, the member listed below is to be retained on active duty in a PLD status to the date indicated below. The member may not request additional periods of PLD. Rate/name UIC PLD end date: [Petitioner]/00259/1 July 2022."

d. On 3 May 2022, Petitioner was issued official modification to retirement orders (BUPERS order: 3411 while stationed in [REDACTED] with an effective date of departure of July 2022. Furthermore, the following listed: "On 1 July 2022 you will be transferred to the [TDRL] (100) with grade LT and with retired pay O3 (O-3 E), pursuant to provisions of 10 U.S.C. Section 1202." "Proceed to home of selection. regard relieved of all active duty effective at 2400 on date of detachment."

e. On 24 May 2022, Separations Questionnaire (NPPSC 1900/1) was created with a separation date of 31 July 2022 and certified by both Medical and Dental Officers.

f. On 22 September 2022, Petitioner was retired with an Honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 11 May 2012 to 31 July 2022 for Disability, Temporary.

g. On 26 September 2022, your Master Military Pay Account shows that Petitioner's Basic Pay stopped effective 31 July 2022.

h. On 28 September 2022, DOS + 20 Day Review "V" Status/Separation Worksheet, listed a separation date of 31 July 2022 with a payment of LSL 52.0 Days Basic Pay (Career max 60 days) of \$13,954.72, Indebtedness for Overpayment of Pay and Allow of \$5,044.41, and Total Outstanding Debts and Payments Due of \$4,883.39.

i. On 24 October 2022, Petitioner signed a Waiver/Remission of Indebtedness Application (DD Form 2789).

j. On 10 March 2023, Navy Medicine Readiness and Training Command notified The Honorable [REDACTED] United States Senate that "On February 22, 2023, Navy Medicine Readiness and Training Command [REDACTED] received your inquiry on behalf of your constituent, Lieutenant (LT) [Petitioner] regarding her separation orders, retirement pay, and benefits. I greatly appreciate the opportunity to review and address her concerns. Upon receiving your inquiry, I directed a full review of this matter by the Director for Administration and Head, Human Resources Department. The following are the results of that review.

[Petitioner] was notified upon receipt of her orders in May 2022 to begin the retirement process and all required paperwork. An embedded Personnel Specialist with the Directorate for Warrior Transition served as the Command Pay and Personnel Administrator (CPPA) and primary liaison with [Petitioner] and the servicing [REDACTED] during her transition from active duty to retirement. The completion of required documents for submission to [REDACTED] occurred between 9 May 2022 and 11 August 2022, with transmission from [REDACTED] to [REDACTED] occurring on 11 August 2022. [REDACTED] processed [Petitioner] loss six weeks later with her DD214 ultimately being available for digital signature on 27 September 2022.

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During [Petitioner's] transition it also appears as though her retirement date was misidentified as 31 July vice 1 July 2022. As a result of [Petitioner] remaining on active duty, she was overpaid during this time frame which has resulted in a debt being owed during her final pay computations by [REDACTED]. If [Petitioner] has not already done so, [REDACTED] will work with [Petitioner] to draft a request to the Board to request a retirement date of 31 July 2022 to eliminate any potential debt that is owed.

Also, during this timeframe, MyNavy Career Center (MNCC) and Navy Pay and Personnel Support Center (NPPSC) began transforming the organizational structure of the Pay/Personnel Administrative Support System (PASS) network, replacing Personnel Support Detachments (PSD) with six TSCs to function as Centers of Excellence (COE) for specific Pay and Personnel transactions.

This major realignment caused a Navy wide disruption of many routine pay and entitlements to include separations and retirements. During this time our CPPAs worked diligently in support of all service members to submit their transactions in a timely matter. As the liaison between the TSCs and the service members, our CPPAs made every effort to support [Petitioner] by respectfully pushing her to get all documents turned in on time to her supporting Human Resource Office at [REDACTED].

We believe there was a combination of events that resulted from NPPSC major realignment of personnel resources, human error, and the timeliness in submission of all required documents for retirement contributed to accurately and timely processing of [Petitioner's] retirement request as well as retirement pay.”

k. In the advisory opinions, attached as enclosures (2) and (3), the offices having cognizance over the subject matter addressed in Petitioner's application have commented to the effect that the request has merit and warrants favorable action.

## CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following partial corrective action. The Board concluded that on 3 May 2022, Petitioner was issued official modification to retirement orders which stated that on 1 July 2022 she will be transferred to the TDRL. Despite the orders uploaded to the case indicating 1 July 2022, Petitioner was processed for separation on 31 July 2022 and the strength loss posted on 26 September 2022, for a 31 July 2022 separation. This created an overpayment of two months due to the delay on submission from the command, and delay in the release of the strength loss. The Board agreed to modify Petitioner's TDRL retirement orders to reflect retirement date of 1 August 2022 (separation date 31 July 2022) matching her official separation records, separation package signed and approved by her chain of command and will not incur the member further debt due to no fault of her own. The Board denied the requests for debt waiver and restoration of 52 days of leave. The Board does not issue waivers for debts applied by Defense Finance and Accounting Service (DFAS) and Petitioner has already received compensation for her leave in the form of a credit applied to her debt; however, the approved change to Petitioner's TDRL retirement orders will require DFAS to audit her pay record and potentially reduce the amount owed. The Board recommends that Petitioner request a waiver of indebtedness through DFAS for the overpayments she received from 1 August 2022 to 29 September 2022 and request that the leave payment be applied to her remaining debt when submitting the debt waiver to DFAS.

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RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner's official modification to retirement orders (BUPERS order: 3411) issued on 3 May 2022 listed the following: "On "1 August 2022 you will be transferred to the Temporary Disability Retired List (100) with grade LT and with retired pay O3 (O-3 E), pursuant to provisions of 10 U.S.C. Section 1202."

Note: The DFAS will complete an audit of Petitioner's pay records to determine Petitioner's pay entitlements.

That no further changes be made to Petitioner's naval record.

That a copy of this report of proceedings will be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

3/25/2024

