



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. 9015-23
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 5 June 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.

On 28 November 2018, you reenlisted for 3 years with an end of active obligated service (EAOS) of 27 November 2021 and Soft EAOS of 27 June 2022.

On 3 March 2022, you were issued a Check-In/Check-Out Sheet and signed by S-1 Officer in Charge/Chief on 31 March 2022.

On 12 May 2022, Commander, █ (PERS-9) issued you an Administrative Remarks (NAVPERS 1070/613) for full separation pay Inactive Ready Reserve requirements, signed by you and a witness.

On 6 June 2022, you were issued official separation orders (BUPERS order █) while stationed in █ with an effective date of departure of June 2022. Your home of selection: █ with an actual date of separation of 15 June 2022.

You were discharged 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 16 June 2010 to

15 June 2022 upon completion of required active service and ineligible or denied reenlistment due to High Year Tenure. Additionally, it listed a separation pay of \$41,839.20 – signed on 28 September 2022. You were issued a new DD Form 214 which listed a separation pay of \$41,839.20 – signed on 18 April 2023. You were issued new DD Form 214 which listed a separation pay of \$20,919.60 – signed on 12 October 2023.

On 16 June 2022, Master Military Pay Account (MMPA) listed your base pay stopped effective 15 June 2022.

On 16 June 2022, you reenlisted in the U.S. Naval Reserve for 3 years with a new contract expiration of 15 June 2025.

On 16 June 2022, MMPA listed you were charged terminal leave for the period of 13 May 2022 to 15 June 2022 (34 days).

On 28 September 2022, you were issued official modification to separation orders (BUPERS order █) while stationed in █ with an effective date of departure of June 2022. Your home of selection: travel election deferred with an actual date of separation of 29 September 2022.

On 18 October 2022, Separation Worksheet was created. Total overpaid at separation: \$0.00 and total outstanding debts and payments due: \$265.28. Additionally, member entitled to separation pay: \$41,839.20.

On 16 November 2022, MMPA listed a payment of \$20,919.60 for separation pay effective 15 June 2022. On 2 November 2023, MMPA listed Federal and State withholding of \$4,602.32 and \$1,255.17 respectively on wages of \$20,919.60. On 16 November 2023, MMPA listed a payment of \$15,062.10 for separation pay.

On 24 April 2024, the Defense Finance and Accounting Service (DFAS) notified Board that, “[t]he member received a payment for Half Separation Pay in the gross amount of \$20,919.60. According to his MMPA, the payment posted in November 2023, after he separated. There was an open pay line on his MMPA that opened in November 2023 and the payment was released and processed on voucher number 5109608 dated 16 November 2023 for a net amount of \$15,062.10. I’ve copied the pay line, the federal tax withholding and state tax withholding.” Additionally, “[t]he member had an out of service debt for \$175.41, however it was written off due the being under the debt threshold.”

You requested payment of the involuntary separation pay that was not given to you for over a year after you separated from the Navy. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that you asked █ to explain to you why you received \$15,327.39 from DFAS Cleveland in December 2022, and you received no response from them. However, the Board concluded that your MMPA lists a payment of \$20,919.60 for separation pay on 16 November 2022. The Board determined that after federal tax withholding and state tax withholding, it was likely the payment you received in December 2022. Furthermore, on

24 April 2024, DFAS notified the Board that payment of half separation pay was released on 16 November 2023 for a net amount of \$15,062.10. Additionally, the DFAS stated that you had an out of service debt in the amount of \$175.41 which was written off due to being under the debt threshold. The Board determined that you have received the total separation pay and you do not owe a debt to the DFAS, therefore no correction to your naval record is warranted.

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,

6/18/2024

