



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

█  
Docket No. 9804-23  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █

Ref: (a) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/attachments  
(2) Advisory opinion by CNRFC ltr 5420 Ser N1/177, undated  
(3) Advisory opinion by NPPSC memo 1000 N1, 8 Jan 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 debt was removed from her record and she was reimbursed funds already withheld.

2. The Board, consisting of █ reviewed Petitioner's allegations of error and injustice on 7 May 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 17 May 2010, Petitioner signed an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) in the active U.S. Navy as an Ensign with a date of rank 28 May 2010 with a designator code of 1160 (Unrestricted Line Officer billet for an officer in training for Surface Warfare qualification).

b. On 27 December 2016, Petitioner signed NAVPERS 1000/4 in the inactive U.S. Naval Reserve as a Lieutenant with a date of rank 1 June 2014 with a designator code of 1115 (An Unrestricted Line Officer who is qualified in Surface Warfare).

c. Petitioner resigned with an honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) on 27 February 2017 for the period of 17 May 2010 to 28 February 2017 upon completion of required active service.

d. On 1 June 2020, Petitioner was appointed to Lieutenant Commander/O-4 in the U.S. Naval Reserve.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]

e. On 11 November 2020, Petitioner signed a Request for Conditional Release (DD Form 368) from the U.S. Naval Reserve acknowledging the following: "I hereby tender my resignation from the SWO (current component); request that it be accepted contingent upon actual appointment or enlistment in the JAG CORPS (requesting component) and be effective the day preceding the date of my acceptance of appointment or enlistment." The release was valid until 1 June 2021. Furthermore, it was approved by cognizant authority on 3 December 2020.

f. Petitioner's Navy Standard Integrated Personnel System IDT Detail Review listed a Drill Pay Schedule from 24 April 2021 to 25 April 2021, and was awarded 4 drill points, and Drill Pay Add-RMP from 22 May 2021 to 23 May 2021, and was awarded 3 drill points.

g. On 30 April 2021, Commanding Officer, Navy Operational Support Center, [REDACTED] notified Commander, Navy Personnel Command (PERS-913) that, "[Petitioner] has my recommendation to transfer to the JAG Corps, United States Navy, Active Duty."

h. On 14 May 2021, Petitioner signed NAVPERS 1000/4 in the inactive U.S. Naval Reserve as an Ensign with a date of rank 14 April 2021 with a designator code of 1955 (An Unrestricted Line Officer under instruction as a prospective Judge Advocate General's Corps officer).

i. On 3 June 2021, Petitioner was issued official new appointment orders (BUPERS order: 1541) while from home. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of June 2021, with a projected rotation date (PRD) of June 2024.

j. On 4 June 2021, Petitioner signed NAVPERS 1000/4 in the active U.S. Navy as a Lieutenant with a date of rank 1 June 2021 with a designator code of 2500 (Staff Corps Officer billet requiring law specialty).

k. On 29 June 2021, Petitioner was issued official modification new appointment orders (BUPERS order: 1541) while from home. Petitioner's intermediate (01) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 23 August 2021. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of November 2021, with a PRD of November 2024.

l. On 22 June 2021, Petitioner was issued official modification new appointment orders (BUPERS order: 1541) while from home. Petitioner's intermediate (01) activity was [REDACTED] for temporary duty with an effective date of arrival of 4 June 2021. Petitioner's ultimate activity was [REDACTED] duty with an effective date of arrival of November 2021, with a PRD of November 2024.

m. On 1 July 2021, Petitioner was issued official modification new appointment orders (BUPERS order: 1541) while from home. Petitioner's intermediate (01) activity was [REDACTED] for temporary duty with an effective date of arrival of 4 June 2021. Petitioner's intermediate (02) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 23 August 2021. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of November 2021, with a PRD of November 2024.

n. On 13 July 2021, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 13 July 2021 for duty.

o. On 14 July 2021, Petitioner signed NAVPERS 1000/4 in the active U.S. Navy as a Lieutenant with a date of rank 1 June 2021 with a designator code of 2500 (Staff Corps Officer billet requiring law specialty).

p. On 21 August 2021, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 21 August 2021 for temporary duty.

q. On 10 November 2021, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 10 November 2021 for duty.

r. On 12 May 2022, Travel Voucher Summary (DO Voucher No. B8522) was prepared and paid on 17 May 2022 with a start date of 21 August 2021 and end date of 10 November 2021. With a detach date of 21 August 2021 and report date of 11 November 2021. Advances/Prior Payments: \$11,222.80. Total Entitlement/Total Charged to Account Class: \$14,617.89. Total Amount Payable/Due Employee: \$3,395.09.

s. On 21 February 2023, Defense Finance and Accounting Service (DFAS) notified Petitioner of indebtedness to the United States Government of \$1,259.92. Stating in part that the debt is due to adjustments to Petitioner's pay and allowances for her demotion from 04 to 01 effective on "04/12/2021" that was not fully collected prior to your separation. If Petitioner disagree with the validity or amount of her debt, please contact the pay office, DMPO, or AFAFO that placed Petitioner in debt and have them provide our office with proper documentation to alter or cancel her debt. Further stating that Petitioner's debt of \$25.00 is for collection of service member's group life insurance premiums paid on her behalf, these premiums were paid because she had an active payroll account that was not separated until recently by her prior unit/finance office. If Petitioner believes the SGLI debt is in error, please contact her prior unit finance office. They must submit a DD 139 to us (ADSN 3891) or provide a copy of Petitioner's discharge orders showing she was separated in a status which is prohibitive from being covered in the SGLI program. Petitioner's SGLI debt is for the period of "07/2021." Petitioner's debt is due to the deferred collection of all or a portion of her social security tax from September through December 2020. When she separated, the deferred taxes she owed were not fully collected, and a debt was established. The government paid the deferred social security taxes to the internal revenue service on her behalf, and therefore, she owes a debt for the amount paid.

t. On 19 May 2023, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 22 May 2023 for duty.

u. In the advisory opinion, attached as enclosure (2), commented to the effect that the request may have merit.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following partial corrective action. The Board concluded that on 1 June 2020, Petitioner was appointed to Lieutenant Commander/O-4 in the U.S. Naval Reserve. On 14 May 2021, Petitioner signed a NAVPERS 1000/4 in the inactive U.S. Naval Reserve as an Ensign with a date of rank 14 April 2021 with a designator code of 1955 (An Unrestricted Line Officer under instruction as a prospective Judge Advocate General's Corps officer). Due to Petitioner's Ensign date of rank being assigned as 14 April 2021, her completed drills that were paid for the rank

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]

of LCDR/O-4 in April and May 2021 were recalculated to be paid for the rank of ENS/O-1 which caused a debt. The Board determined that Petitioner's NAVPERS 1000/4 dated 14 May 2021 should have had a date of rank of 14 May 2021. The Board found no error or injustice to warrant the removal of the oath of office as she was transitioning to the JAG Corps, therefore partial relief is warranted.

#### RECOMMENDATION

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

Petitioner's Request for Conditional Release (DD Form 368) Section II-Approval/Disapproval block 5a a. APPROVED. Individual is recommended and conditional release is granted. The release is valid until 4 June 2021 vice 1 June 2021.

Petitioner's Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) signed 14 May 2021 blocks 19 (Permanent Grade Date) listed 14 May 2021 vice 14 April 2021 and block 21 (Present Grade Date) listed 14 May 2021 vice 14 April 2021.

Note: 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.

5/20/2024

