



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

██████████
Docket No. 565-24
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 13 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. In addition, the Board considered the advisory opinion contained in in Office of the Chief of Naval Operations memorandum 7220 Ser ██████████ of 2 February 2024, which was previously provided to you for comment.

You were discharged with an other than honorable character of service and were issued a DD Form 214, Certificate of Release or Discharge from Active Duty for the period of 31 August 1998 to 25 May 2010 due to commission of a serious offense.

On 23 March 2011, the Defense Finance and Accounting Service (DFAS) notified you that, “[y]ou were previously notified of a debt in the amount of \$7,964.16 for an overpayment of Basic Allowance for Housing prior to discharge on account number ██████████. The original discharge was listed as a General Discharge; however, the separating unit has submitted a.; request to change the discharge type to Other Than Honorable. This correction materially: changes your debt because the lump-sum leave payment of \$3,875.56 paid at separation was not authorized. The adjustment to your debt is from \$7,964.16 to \$11,839.72. Please see the enclosed DD-214 and DFAS-IN Form 0-641.”

You requested payment for 40 days of leave that you were owed at the time of your discharge, the Board in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that the DFAS was not authorized to take your leave and that it still has not issued you a check for your leave balance. However, the Board concluded that in accordance with 37 U.S.C. §501, a member of the Army, Navy, Air Force, Marine Corps, Coast Guard, or National Oceanic and Atmospheric Administration who is discharged under other than honorable conditions forfeits all accrued leave to his credit at the time of his discharge. Therefore, due to your other than honorable discharge, the DFAS has the authority to refuse you payment for any accrued leave to your credit at the time of your discharge. 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,

6/24/2024

