



Rule 3: When an individual is determined to be serving under a fraudulent enlistment or induction and the government voids the enlistment or induction, then pay and allowances will not be paid (note 1). Note 1: Individual retains the amounts received before disbursing officer is notified, if otherwise proper.

In accordance with MCO 4400.201-V13, Management of Property in the Possession of the Marine Corps published on 3 November 2016, all articles of uniform clothing, less worn socks, underclothing, general purpose trunks, gloves, and footwear, either initially issued or purchased via a paid cash clothing allowance, must be recovered from individuals discharged for the following reasons: A. Defective enlistment and inductions... Individuals discharged for the reasons set forth above must have adequate clothing for wear to their home. If the individuals do not have sufficient clothes for traveling, the activity commander may authorize the issue of a minimum traveling uniform (see Figure 8-1), less insignia, per Chapter 2.

In accordance with Assistant Chief of Staff, Marine Corps Community Services notified Distribution List of subj: Male Bucket Issue Price List. "Be advised that the following changes will be made to the enclosed male bucket issue listing effective 11 Oct 2022. Enclosure (1) is the updated male bucket issue price list and is provided for your information. a. Change Issue Total from \$673.25 to \$676.50. b. Services (haircuts) increased from \$ 87.75 to \$ 91.00 (+ 3.25). The change is due to mandated recruit haircut price increase from \$ 6.75 to \$7.00 to take effect on 1 Oct 2022 █ corporate contract.

Price changes are annotated in enclosure (1) with an asterisk (\*) and are in bold print. Active with Class 1-23 █ Company who ships on █

Initial Bucket issue total \$446.00. This is for health and comfort items required during Boot Camp.

Prepaid Services \$130.00. This is for Haircuts and Laundry. Initial Bucket Issue Total \$576.60. Supplemental Bucket Issue Total \$99.90. The Grand Total is \$676.50.

On 21 October 2022, you enlisted in the U.S. Marine Corps Reserve for 8 years with an End of Service of 20 October 2030.

Your Leave and Earnings Statement (LES) for the period of 1 to 31 January 2023 shows the following: Brought forward: \$0.00. Entitlements total \$575.04. Deductions total \$745.84. Brought forward \$-170.80. Additionally, under Deductions, MCX [Marine Corps Exchange] Bucket Issue CK in the amount of \$676.50 was listed with an effective date of 23 January 2023.

On 7 February 2023, Commanding General, █ notified you that "[e]ffective, 2359 on 10 February 2023 you will be involuntarily discharged from active duty for the following reasons: Separation Reason: FRAUDULENT ENTRY. Your discharge characterization is: Uncharacterized. You have been assigned a separations code of: JDA1. Date of Bn CO Notification of Separation: 2 February 2023."

On 10 February 2023, Officer in Charge, Recruit Administration Branch Installation Personnel Administration Center, San Diego, CA notified you that “[e]ffective, 2359 on 10 February 2023 you will be involuntarily discharged from active duty. The following was the total amount of the unused cost of the prepaid services to be credited into your MMPA. Sale: 9700 Receipt: 09700729012340203230. Prepaid Haircut: \$77.00. Prepaid Laundry: \$39.60. Total Cash Due: \$116.60. Recruit Signature: NOT AVAILABLE FOR SIGNATURE. Member has no smart card and zero balance.”

You received an entry level separation from active duty with an uncharacterized character of service and were issued a DD Form 214, Certificate of Release or Discharge from Active Duty for the period of 23 January 2023 to 10 February 2023 due to Fraudulent Entry.

Your LES for the period of 1 to 28 February 2023 shows the following: Brought forward: - \$170.80. Entitlements total of \$71.88. Deductions total \$330.99 Brought forward total - \$891.63. Additionally, under Entitlements, MCX Bucket Issue CK in the amount of \$116.60 was listed with an effective date of 10 February 2023.

Your LES for the period of 1 to 31 March 2023 shows the following: Brought forward: -\$891.63. Entitlements total \$927.85. Deductions total \$646.92. Brought forward -\$610.90.

Your LES for the period of 1 to 30 April shows the following: Brought forward: -\$610.90. Entitlements: DDMS Debt Offset \$610.90 (One time entry effective 11 February 2023). Balance carried forward: \$0.00

On 27 June 2023, the Defense Finance and Accounting Service (DFAS) notified you that you owed \$610.90. “Debt is due to a non-pay related deduction for MCX bucket issue. Debt is due to a non-pay related deduction for SGLI \$50.00 01/2023-02/2023.”

On 21 December 2023, U.S. Government Wage Garnishment Order (SF-329B) was issued to █ from the U.S. Department of the Treasury with an amount due of \$809.19 as of 21 December 2023.

On 21 February 2024, U.S. Department of the Treasury notified you that your original payment of \$838.00 was applied to this debt of \$644.25.

The DFAS notified the Board that, “[t]he member did overpay and should be due a refund of \$455.06.” Additionally, they were advised it will take about 30 days and the refund will be by check.

You requested to change your Naval record to reflect that you had turned in your uniforms prior to your discharge and to eliminate your debt to the DFAS, 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 were charged \$809 for not turning in your uniforms and that you are still being charged even though you have already paid the \$809. Furthermore, you assert that you served from 23 January 2023 to 10 February 2023, and you received no pay. However, the Board concluded that your debt is due to the MCX Bucket Issue in the amount of \$676.50. This

was not for uniforms, but for various health and comfort items needed during Boot Camp, which you were not required to return upon discharge, in accordance with MCO 4400.201-V13. On 10 February 2023, you were discharged due to fraudulent entry. In accordance with DoD 7000.14R FMR, when an individual is determined to be serving under a fraudulent enlistment or induction and the government voids the enlistment or induction, then pay and allowances will not be paid. Therefore, the pay and allowances for your brief period of enlistment were recouped due to your separation for fraudulent enlistment. You were credited with \$116.60 for the unused portion of prepaid services for laundry and haircuts. Because you owed more than you would have been paid, you were placed in a debt status. The Board noted that the debt listed on the SF-329B and letter from the U.S. Department of the Treasury listed differing balances, however the DFAS has confirmed that your original debt is \$610.90. Furthermore, the DFAS has determined that your debt has been satisfied and that you will be issued a check in the amount of \$455.06 due to overpayment. The Board determined that your original debt is valid, that your debt has been paid in full, and that and no further change to your 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,

11/13/2024

■