



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

█
Docket No. 6042-24
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.

A three-member panel of the Board, sitting in executive session, considered your application on 15 October 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 Commanding Officer, Navy Pay and Personnel Support Center memorandum 5730 N1 of 18 July 2024, which was previously provided to you for comment.

On 20 November 2013, you reenlisted for 6 years with an End of Active Obligated Service (EAOS) of 19 November 2019 and Soft EAOS of 19 August 2020.

On 4 February 2020, █ notified █ authoring your transfer to Fleet Reserves effective 31 July 2020. On 27 May 2020, you were issued Temporary Additional Duty (TEMADD) Travel Orders (NAVPERS 1320/16) effective 2 June 2020 for 20 days to Various locations for Permissive Temporary Duty authorization for job/house hunting. Estimated date of return was 21 June 2020. On 28 May 2020, you submitted a Leave Request/Authorization (NAVCOMPT Form 3065) requesting separation leave for the period of 23 June 2020 to 31 July 2020. Your request was approved on 29 May 2020. On 30 July 2020, you were issued official Fleet Reserve orders (BUPERS order: 2120) while stationed in █, █ with an effective date of departure of July 2020. Your home of election was █ with an effective date of retirement 31 July 2020.

On 13 August 2020, you were transferred to the Fleet Reserve 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 20 July 2000 to 31 July 2020 upon having sufficient service for retirement. Furthermore, block 16 (days accrued leave paid) listed 47 days.

On 13 August 2020, you submitted a Leave Request/Authorization (NAVCOMPT Form 3065) requesting ordinary leave for the period of 23 June 2020 to 29 June 2020. Your request was approved on 13 August 2020. The following comments/remarks were listed: "Submitted by ██████████ (Command Leave Administrator). Recreating leave chit for member to be charged per PSD ██████████. Member is retiring from the Navy. Approver ██████████ Comments: Leave Request approved by ██████████ (Command Leave Administrator)."

On 18 November 2020, your Master Military Pay Account (MMPA) listed the following: you were charged ordinary leave for the period of 23 June 2020 to 31 July 2020 (39 days). Furthermore, your base pay stopped effective 31 July 2020. On 18 November 2020, your MMPA listed the following: Brought forward 33.5 days. Earned 20.5 days. Used 39 days. Balance 15 days (Number leave days paid 15.0 days).

On 16 December 2021, the Defense Finance and Accounting Service notified you that you are indebtedness to the Government due to the following: "[d] is due to payments received after you entered a no pay status due to retirement as of 07/31/2020. These payments are as follows: mid-month payment of \$6,446.60, dated 08/15/2020 and an end of month payment of \$3,663.84, dated 08/30/2020. If you disagree with the validity or amount of your debt, please contact the Pay Office, DMPO, or AFAFO that placed you in debt and have them provide our office with proper documentation to alter or cancel your debt."

"Your debt is due to the deferred collection of all or a portion of your social security tax from September through (December 2020. when you separated, the deferred taxes you owed were not fully collected, and a debt was established. The government paid the deferred social security taxes to the internal revenue service (IRS) on your behalf. and therefore, you owe a debt for the amount paid."

You requested to verify proper disbursement for leave sellback of 47 days and dissolve erroneous debt on credit report. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that after many attempts at fixing this issue, you were told that the debt is due to an overpayment of leave sellback. Additionally, you assert that your parent command cancelled your leave request spanning the dates of 23 June 2020 to 31 July 2020. However, the Board concluded that you were charged 39 days of leave per the final approved leave request. Your MMPA shows you took 39 days of leave and sold 15 days at separation. While you provided documentation showing different leave periods approved, the Board determined that there is no supporting proof that the 39 days charged is erroneous. Additionally, you were transferred to the Fleet Reserve on 31 July 2020. At that time, your Soft EAOS 19 August 2020, however your loss was not reported until 18 November 2020, effective 31 July 2020. This resulted in you receiving two active-duty paychecks in August that you were not entitled. The Board determined that your

debt is valid, and you are obligated to repay. In this connection, the Board substantially concurred with the comments contained in the aforementioned 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,

10/23/2024

