



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

[REDACTED]
Docket No. 7183-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
XXX XX [REDACTED] USMC

Ref: (a) Title 10 U.S.C. § 1552
(b) DoD 7000.14-R FMF Volume 7A, Chapter 47

Encl: (1) DD Form 149 w/attachments
(2) 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 his naval record be corrected to show that Petitioner's debt to the government in the amount of \$2,538.81 be stricken from his record.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 6 February 2025 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 20 October 2015, Petitioner and a witness signed a Servicemembers' Group Life Insurance (SGLI) Election and Certificate (SGLV 8286) listing his mother as the primary beneficiary. Current amount of SGLI: \$400,000.

b. Post-Trial Action: Section A - Staff Judge Advocate Review listed the following: Block 7 (Convening Authority) [REDACTED], block 8 (Court-Martial Type) General, block 9 (Composition) Judge Alone, block 10 (Date Sentence Adjudge) 3 May 2019, and block 23 (Notes) On 8 May 2019, detailed defense counsel submitted matters for your consideration requesting you grant any clemency available. You are required to consider these matters in determining the action you take on the findings of guilty or on the sentence. I have advised the Convening Authority of clemency authority based on the earliest finding of guilty for an offense committed on or after 24 June 2014 and on or before 31 December 2018 pursuant to R.C.M. 1107, MCM (2016 Ed).

Section B - Convening Authority Action listed the following: Block 28 (28. Having reviewed the Statement of Trial Results, as well as any matters submitted by the accused and the victim(s), and

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after being advised by the staff judge advocate or legal officer, I take the following action in this case [If deferring or waiving any punishment, indicate the date the deferment/waiver will end. Attach signed reprimand if applicable. Indicate what action, if any, taken based on suspension recommendations.] "In the General Court-Martial case of United States v. [Petitioner], U.S. Marine Corps, the sentence is approved and, except for the part of the sentence extending to a Bad-Conduct Discharge, will be executed, but the execution of that part of the sentence adjudging confinement in excess of fourteen (14) months is suspended for a period of twelve (12) months from the date of this action..." and block 29 (Convening authority's written explanation of the reasons for taking action on offenses with mandatory minimum punishments or offenses for which the maximum sentence to confinement that may be adjudged exceeds two years, or offenses where the adjudged sentence includes a punitive discharge (Dismissal, DD, BCD) or confinement for more than six months, or a violation of Art. 120(a) or 120(b) or 120b) Pursuant to the pretrial agreement, all confinement in excess of 14 months is suspended.

SJA/Legal Officer and Convening Authority signed Petitioner's Post-Trial Action on 16 August 2019.

c. Marine Corps Total Force System listed the following entries: To confinement on 3 May 2019. From confinement on 1 April 2020. To appellate leave on 3 July 2020. Joined to Navy/USMC Appellate Leave Activity on 30 November 2020. Discharged on 3 May 2022.

d. Petitioner was issued Leave and Earnings Statement (LES) for the period of 1-30 June 2023 listing the following: Brought Forward -2,907.52 (Entitlements). SGLI \$500,000 / \$30.00 (Deductions). Carried Forward \$-2,945.52.

e. Petitioner was issued Leave and Earnings Statement (LES) for the period of 1-30 November 2023 listing the following: Brought Forward -2,511.52 (Entitlements). DDMS Debt OFFSET \$2,511.52 (Onetime entry effective 4 May 2022). Carried Forward \$0.00.

f. On 29 March 2024, the Defense Finance and Accounting Service (DFAS)-IN/Debt and Claims notified Petitioner that Previous balance was \$2,534.49, Payments Received \$0.00, Adjust \$0.00, and Total Balance Due \$2,538.81. Furthermore: "Debt is due to your appellate review leave status from 08/26/2020 to 05/03/2023. 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."

g. On 29 January 2025, BCNR notified the DFAS that, "[t]he Petitioner was transferred to Appellate Leave status on 3 July 2020 and joined by [REDACTED] on 30 November 2020. If I am reading MCTFS SGLI 801 Remarks correct, Petitioner's SGLI premiums continued through March 2023 at \$24 a month. Can your office confirm the reason(s) of the debt? It appears too high for just a monthly SGLI premium of \$24.00."

h. On 30 January 2025, the DFAS notified this Board that "[t]he original debt amount was for \$2,511.52."

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following partial corrective action. The Board concluded that in accordance with reference (b),¹ Petitioner's SGLI coverage terminates at the end of the 31st continuous day of confinement and SGLI deductions stop at the end of the month in which the 31st day of such status is reached. Petitioner entered confinement on 3 May 2019; therefore, he would have reached the 31st day of continuous confinement in June 2019 and SGLI deductions should have stopped effective 30 June 2019. Petitioner's LES for the period of 1-30 November 2023 listed, "Brought Forward -2,511.52 (Entitlements). DDMS Debt OFFSET \$2,511.52 (Onetime entry effective 4 May 2022). Carried Forward \$0.00." On 29 March 2024, the DFAS-IN/Debt and Claims notified Petitioner that his Previous balance was \$2,534.49, and that the debt was due to his appellate review leave status from 26 August 2020 to 03 May 2023. On 30 January 2025, the DFAS confirmed that the original debt amount was \$2,511.12, however they provided no reason(s) for the debt or an explanation for the DDMS Debt Offset for the same amount or the subsequent debt letter. The Board noted that there is confusion as to the reason for the debt and the amount is far greater than the SGLI deductions would have totaled during the period in question, suggesting there is a different/additional reason for the debt. More importantly, it appears that the offset reflects Petitioner should have no debt. Therefore, the Board determined that the DFAS shall conduct a complete audit of Petitioner's financial record, and he should be provided a detailed reason for the original debt, explain the DDMS Debt OFFSET listed in his November 2023 LES, and a breakdown of any remaining debt.

RECOMMENDATION

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

The DFAS will complete an audit of Petitioner's financial record for possible erroneous debt of SGLI premiums for the period of 26 August 2020 to 3 May 2023.

That a copy of this report of proceedings be filed in Petitioner's naval record.

That no further changes be made to 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 titled matter.

¹ Full-time coverage automatically insures eligible members against death when a member is performing active duty or active duty for training for an ordered period of more than 30 days, or while on full-time duty as a cadet or midshipman at a Service Academy. All members of the Ready Reserve and National Guard, who are assigned or attached to a unit or position that may require performing active duty or active duty for training and will be scheduled to perform at least 12 periods of inactive duty for training annually, are also eligible for full-time SGLI coverage. Members may elect, waive, or decrease coverage for an amount less than \$500,000 in \$50,000 increments in accordance with paragraph 2.2. When placed on appellate leave following confinement with total forfeiture of pay and allowances (during which coverage had been properly stopped, see Table 47-1, rule 9), coverage is not reinstated. If appellate leave is followed by a restoration to duty with pay, then coverage is reinstated on the date the member returns to full duty status and continues during the period of excess leave. Coverage is reinstated at the amount in effect on the day prior to its stoppage. In accordance with Table 47-1. Effective Dates of SGLI Coverage and Deductions, Rule 9: When a member required to perform duty described in section 2.0, or Chapter 58, paragraphs 2.5 or 2.6 is...confined by military authorities under a court-martial sentence involving total forfeiture of pay and allowances then the effective date of termination is at the end of the 31st continuous day of such status (note 11) and SGLI deduction (note 1) stops at the end of the month in which the 31st day of such status is reached.

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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.

2/9/2025

