



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

██████████
Docket No. 2266-25
Ref: Signature Date

████████████████████
████████████████████
████████████████████

████████████████████

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 5 August 2025. 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 7220 N1 of 23 April 2025, which was previously provided to you for comment.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

In accordance with DoD 7000.14-R FMR Volume 7A, Chapter 1, Military Confinement. Pay and allowances accrue to a member in military confinement except when: 4.2.6.1. Confined by military authorities, for civil authorities. See Table 1-12, rules 6 and 8; 4.2.6.2. Pay and allowances are forfeited by court-martial sentence. See Chapter 48 and Table 1-12, rule 10; and 4.2.6.3. The term of enlistment expires. See subparagraph 4.2.7.

Chapter 48, Court-martial Sentences. 4.7.1. General Court-Martial. A member automatically forfeits all pay and allowances while in confinement or in a parole status when the member's sentence includes: 4.7.1.1. Death; 4.7.1.2. Confinement for more than six

months; or 4.7.1.3. Confinement of any length and either a dishonorable discharge, a bad conduct discharge, or a dismissal.

Chapter 48, Table 1-12: Unauthorized Absence and Other Lost Time - Effect on Pay and Allowances. Rule 10. When a member is absent from duty in military confinement (other than for civil authorities) and is serving a court-martial sentence which includes a forfeiture of pay and allowances, then the member is entitled to pay and allowances accruing before the date the sentence was approved by the convening authority and to any unforfeited pay and allowances accruing after that date.

On 16 May 2024, Post-Trial Action was issued with the following: “Pursuant to ██████████ Plea Agreement of 21 March 2024, it was agreed to defer the automatic forfeiture of any pay and allowances the accused is due during his enlistment from the date it would otherwise become effective under Article 58b(a)(1), UCMJ, until the date of the Entry of Judgment; and thereafter waive the automatic forfeiture for a period not to exceed six (6) months from the date of the Entry of Judgment...”

On 6 September 2024, ██████████ issued a Court Memorandum (NAVPERS 1070/607) listing the following: “Block 38 (Synopsis of offense(s), date(s), and sentence adjudged also amplifying remarks, may be continued on reverse): General Court Martial Date: 30Apr2024 VIOL: UCMJ ART. 134: Indecent Conduct Awarded: BCD; 5 MOS Confinement.”

On 7 November 2024, Branch Head, Court-Martial Records Branch Navy and Marine Corps Appellate Review Activity (Code 40) notified Commanding Officer, Navy and Marine Corps Appellate Leave Activity (NAMALA) that ██████████ USN – NMCCA ██████████ was arraigned, tried, and convicted at a General Court-Martial convened by the Commander, Navy Region Southwest. ██████████ sentenced on 30 April 2024, to confinement for five months and a Bad-Conduct Discharge.

On 20 August 2024, ██████████ filed a motion with the Navy-Marine Corps Court of Criminal Appeals (NMCCA) to withdraw from appellate review.

In an Order issued ██████████, the United States Navy-Marine Court of Criminal Appeals (NMCCA), granted the appellant’s motion to withdraw from appellate review.

On ██████████, a Judge Advocate’s Review was conducted pursuant to Article 65, UCMJ and concluded that no corrective action is required in the General Court-Martial of ██████████

Accordingly, all appellate review is now complete in the General Court-Martial of ██████████. The Bad-Conduct Discharge awarded to ██████████ now be executed.”

You were discharged with a Bad Conduct character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 22 November 2021 to 7 November 2024 for Court-Martial-Other. Furthermore, block 29 (Dates of Time Lost During This Period) listed the following: 30 April 2024 to 30 August 2024.

Your Master Military Pay Account (MMPA) shows the following (Base Pay): “ENTRY-OPEN-DT 250131 05 02 1 ENTRY-CLSD-DT 250131 05 02 1 CNTRL-CODE 9 ACTN V3 START 241107 STOP 241107 ENTLMT-MM -42.11 ENTLMT -42.11 ENTLMT-NM 0.00 MNTLY-RATE 2,526.90.”

Your MMPA shows the following (Base Pay): “ENTRY-OPEN-DT 250131 05 02 1 ENTRY-CLSD-DT 250131 05 02 1 CNTRL-CODE 9 ACTN X5 START 241011 STOP 241107 ENTLMT-MM -2,274.21 ENTLMT -2,274.21 ENTLMT-NM 0.00 MNTLY-RATE 2,526.90.”

Your MMPA shows the following (Basic Allowance for Housing (BAH)): “ENTRY-OPEN-DT 241009 10 10 2 ENTRY-CLSD-DT 241009 10 10 2 CNTRL-CODE 2 ACTN 05 START 240430 STOP 240829 ENTLMT-MM 0.00 ENTLMT 14,554.80 ENTLMT-NM 0.00 MNTLY-RATE 3,638.70 ACCOM 1 [REDACTED] RENT 9,999.00 SHARE-NR 1 RENT-STAT R PRCNTGE .00 PROTECTED-RATE 0.00 CLOST-DEPN.”

Your MMPA shows the following (BAH): “ENTRY-OPEN-DT 240603 05 06 1 ENTRY-CLSD-DT 241009 10 10 2 CNTRL-CODE 6 ACTN 05 START 240430 STOP 240829 ENTLMT-MM 0.00 ENTLMT -7,846.80 ENTLMT-NM 0.00 MNTLY-RATE 1,961.70 ACCOM 1 [REDACTED] [REDACTED] RENT 0.00 SHARE-NR 1 RENT-STAT R PRCNTGE .00 PROTECTED-RATE 0.00 CLOST-DEPN.”

The Defense Finance and Accounting Service Military Leave and Earning Statement (LES) for the period covered of 1 – 31 October 2024 listed under entitlements: BAH \$7,901.00.

You requested to receive \$14,554.80 for pay you earned while still in the Navy from May 2024 to present, the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that it was through military mistakes that you did not receive your money. However, the Board concluded that as the result of a General Court Martial on 30 April 2024, you were awarded a Bad Conduct Discharge and 5 months confinement. Normally, there is no entitlement to pay while in a confined status, however due to your Plea Agreement of 21 March 2024, the automatic forfeiture was waived for a period not to exceed 6 months. You provided no documentation showing that you did not receive pay for the period of confinement. You asserted that you were owed BAH due to your record showing entitlement as being based on [REDACTED] vice [REDACTED]. However, the Board determined that your MMPA shows that on 9 October 2024, a correction was made changing your BAH from [REDACTED] to [REDACTED] effective 30 April 2024. Additionally, your October 2024 LES shows a BAH payment for \$7,901.00, for zip code [REDACTED]. The Board found insufficient evidence of error or injustice to warrant a change to your record. 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,

8/8/2025

