



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

WJH
Docket: 7055-10
12 Apr 2011

[REDACTED]
[REDACTED] OFFICER [REDACTED] MAGALING, USN [REDACTED]
[REDACTED]
[REDACTED] SARRIGADA GUAM 9892
[REDACTED]

This pertains to your Application for Correction of Naval Record (DD Form 149) seeking arrearages in pay.

Under the regulations that govern the Board for Correction of Naval Records, before the Board may consider your application, you must exhaust other avenues of administrative relief.

Accounting and finance services for the Department of the Navy are provided by the Defense Finance and Accounting Service (DFAS). The DFAS also provides an administrative means of addressing and resolving pay disputes. Those administrative measures must be exhausted before any action can be taken by this Board.

Before any further action can be taken on your request for combat pay, please complete the attached Application For Arrears in Pay (DD Form 827) and submit it, along with all the evidence you have that supports your claim that you are entitled to an adjustment of your pay, directly to the Defense Finance and Accounting Service (DFAS) at the following address: *Commanding Officer, U.S. Navy Finance Center, Anthony J. Celebrezze Federal Building, ATTN: Dept. JFLAHA, 25th Floor, Cleveland, OH 44199-2055.* You should also enclose a copy of this letter with your application to DFAS.

Please be advised that, a portion of your request extends to back pay more than six years old. Due to the passage of time, any claim you now submit to DFAS for back pay older than 6 years may be barred by federal law and/or the common

law doctrine of laches. Laches is a legal doctrine that essentially states that a claim will not be allowed if a delay in asserting the claim has prejudiced another party. Laches is based on the legal maxim that equity aids the vigilant and not those who procrastinate regarding their rights. In your case, you did not take steps to adjust your PEBD or assert your claim for an inordinately long period of time. That neglect may cause a disadvantage to DFAS in researching/resolving part of your claim. You have provided no evidence as to why you did not make a claim for this pay earlier. Accordingly, it is particularly important in your case to provide DFAS with evidence that supports your claim that you are entitled to back pay and that you provide an explanation as to why you neglected to assert this claim for so long.

Your application with this Board is being closed at this time because you have not exhausted other avenues of administrative relief. No further action can be taken until you apply in writing by mail to DFAS at the address provided above for the pay you contend is due.

Sincerely,



WILLIAM J. HESS, III
Head, Pay Dept