



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

BAN  
Docket No. NR01252-14  
30 October 2014

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

Subj: [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments  
(2) Office of the Judge Advocate General, Criminal Law  
Division ltr 1000 Ser 20/513 of 17 Oct 2014

1. Pursuant to the provisions of reference (a) Petitioner filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show that he was relieved of his financial obligation for a debt by the Defense Finance Accounting Service and any penalties or interest incurred.

2. The Board, consisting of Mr. Ruskin, Mr. Exnicios, and Mr. Midboe reviewed Petitioner's allegations of error and injustice on 28 October 2014 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, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

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 corrective action.

RECOMMENDATION:

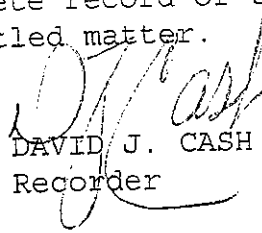
That Petitioner's naval record be corrected, where appropriate, as follows:

a. Petitioner is entitled all pay and allowances as an E-7 until 15 December 2000.

Note: Petitioner was convicted at a general court-martial on 1 December 2000. However, there was a legal error in the effective date of his reduction in grade and forfeitures. Under the Manual for Courts-Martial, Article 57(a)(1), Uniform Code of Military Justice, "[a]ny forfeitures of pay or allowances or reduction in grade that is included in a sentence of a court-martial takes effect on the earlier of the date that is 14 days after the date on which the sentence is adjudged; or the date on which the sentence is approved by the convening authority [CA]." The CA approved the findings and sentence in December 2011.


b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that 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 entitled matter.

  
DAVID J. CASH  
Recorder

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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

30 October 2014

  
ROBERT J. O'NEILL  
Executive Director