

RECOMMENDATION AND ADMINISTRATIVE REPORT

Defense Office of Hearings and Appeals
Claims Division
P.O. Box 3656
Arlington, VA 22203-1995

Dear Sir or Madam:

Name, file number MSXXXXXXX, whose mailing address is ADDRESS, has appealed the Defense Finance and Accounting Service' (DFAS) decision of his waiver request for the \$XX,XXX.XX indebtedness resulting from the overpayment of Basic Pay (BP) for the period of January 1, 1997 through January 31, 2012. The overpayment was the result of an incorrect Pay Entry Base Date (PEBD), February 23, 1990, being used to determine his pay longevity multiplier. The correct PEBD should have been January 31, 1996, the enlistment date on the member's Enlistment/Reenlistment Document (DD Form 4/1). Consequently, the member's longevity was miscalculated and he was overpaid BP at a higher longevity rate. The debt computation provided with the member's request is off by \$0.27 due to rounding issues. The amount we will consider for waiver and the amount we have verified as accurate is \$XX,XXX.XX. The claimant has not provided any new information that would change the outcome of our initial decision. Therefore, we recommend our denial of the PEBD debt be sustained.

In his appeal, the member reiterates that he was informed by his recruiter that all college credit would count towards his PEBD "for pay purposes only", but would not count towards retirement. For that reason, the member assumed his PEBD was correct.

The member's DD Forms 4/1 and 4/2, annexes, and numerous other documents list the member's enlistment date as January 31, 1996. Nothing in the member's original waiver request, nor his appeal, support the member's assertion that the PEBD of February 23, 1990 was correct. Additionally, each and every Leave and Earnings Statement (LES) the member received for the period of indebtedness clearly lists his years of service ("Yrs Svc" on LES) and PEBD ("Pay Date" on LES). The member should have known his enlistment date, as he signed and dated the DD Form 4/1, effective January 31, 1996. It has been consistently held that it is ultimately the member's responsibility to review his LES to ensure he is paid correctly and report any discrepancies to the proper officials. For his failure to do so, he is not without fault in the matter, which statutorily precludes favorable waiver consideration.

A copy of the waiver file is enclosed. Our point of contact is XXXXXX at (866)-912-6488, or email dfas.indianapolis-in.jfe.mbx.remission-waiver-indy@mail.mil.

Sincerely,

Signature Authority
Director, DFAS Indianapolis

Enclosure:
As stated