

VOLUME 7B, CHAPTER 10: “CORRECTION OF RECORDS”**SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated February 2013 is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Formatted to comply with current administrative instructions.	Revision
100102 through 100104	Relocated paragraphs to Section 1002 and renumbered 100201 through 100203.	Revision
100104	Changed paragraph title from “Corrections” to “Statute of Limitations”. Note: Paragraph is renumbered 100203.	Revision
1002	Added Section titled “CORRECTIONS” to focus on corrections.	Addition
1004	Replaced the phrase “applicable current retired pay appropriation” with “Department of Defense Military Retirement Fund” to identify where payments that become due and payable are to be charged as a result of a correction.	Revision
Bibliography	Updated Bibliography accordingly.	Revision

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CHAPTER 10

CORRECTION OF RECORDS

1001 GENERAL

*100101. Overview

The Board for Correction of Military Records (BCMR) is the highest level of administrative review within the Department of Defense with the mission to correct errors in or remove injustices from military records.

*100102. Authoritative Guidance

Authoritative guidance information for this chapter is located in the bibliography.

*1002 CORRECTIONS

The Secretary of a Military Department may correct any military record of the Secretary's department when the Secretary considers it necessary to correct an error or remove an injustice. The Secretary will establish procedures for the correction of a military record as approved by the Secretary of Defense. Such corrections shall be made by the Secretary of a Military Department acting through boards of civilians (Board) of the executive part of that Military Department. The responsibilities for the Correction of Records can be found under the Department of Defense [Directive 1332.41](#), "Board for Correction of Military Records (BCMRs) and Discharge Review Boards (DRBs)."

100201. Final and Conclusive

Corrections of military records are final and conclusive on all officers of the United States except when such corrections were obtained through fraud.

100202. Reaffirmation of Existing Facts

A reaffirmation of existing facts already in the original record does not constitute a proper correction of that record. A proper correction and a right to the payment of money must be a result of a change of facts [from those already](#) in the original record, or an addition or deletion of a fact. A recital of existing facts does not avoid the operation of the statute of limitations. The statute of limitations on a proper correction of the record begins from the date of the correction. Example: A member of the Naval service is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve. If his or her record is corrected to show additional service credits, then the 6-year (10 years before July 1975) statute of limitations period starts from the date of the record correction rather than from the date of the transfer. Upon correction, the member is entitled to retainer pay from the date of transfer in accordance with his or her grade and number of years of creditable service, as corrected.

*100203. Statute of Limitations

Corrections may be made when:

- A. The member, the member's heir, or legal representative filed a request within 3 years after member has discovered an error or injustice, whichever is later; or
- B. The Board excuses a failure to file within 3 years when it is in the interest of justice.

1003 PAY COMPUTATION

100301. Amounts

Payments based on a correction of military records must be made in the amounts determined to be due by applying pertinent laws and regulations to all the material facts shown in the corrected record. Generally, the payments resulting from the correction of military records are based on the:

- A. Pay entitlement the member had before the correction,
- B. Actual payments made for these entitlements, or
- C. New pay entitlements that accrue as a result of the correction. For specific computation, see the chapters concerning the entitlement to and computation of retired or retainer pay, and participation in and payment of survivor annuities under the Retired Serviceman's Family Protection Plan (RSFPP) and/or the Survivor Benefit Plan (SBP).

100302. Settlement

The settlement of retired pay, retainer pay, or survivor annuities due as a result of the correction of a military record must be reduced, as applicable, by:

- A. Any previous settlements of active duty pay and allowances involving the same periods,
- B. Prior payments of readjustment pay or disability severance pay,
- C. Prior payments of disability compensation, pensions, or Dependency and Indemnity Compensation made by the Department of Veterans Affairs,
- D. Federal income tax,
- E. Cost of participation in the RSFPP and/or SBP,

F. Dual compensation statutes, if a retired Regular officer was employed by the United States Government prior to October 1, 1999, or

G. Prior payments of the mother's benefit received from Social Security and the amount of the spouse's Social Security entitlement, if any, resulting from the retiree's active military service.

100303. Deductions from Pay and Allowance

Earnings received from civilian employment, self employment, or any income protection plan for such employment during any period for which active duty pay and allowances are payable will be deducted from the settlement. To the extent authorized by law and regulation, amounts found due shall be reduced by the amount of any existing indebtedness to the government arising from military service.

100304. Demand for Payment

When payment cannot be made to the member because of member's death, payment may be made to member's legal representative. In the absence of a demand for payment by the legal representative, payments are made:

A. To the surviving spouse, heir, or beneficiaries, in the order prescribed by the law applicable to that kind of payment,

B. In the order of precedence in Chapter 30, [subparagraph 300104.A](#), or

C. As otherwise prescribed by the law applicable to that kind of payment.

100305. Claimants Acceptance

A claimant's acceptance of settlement fully satisfies the claim concerned. Settlement of this claim does not preclude payment of a separate and distinct claim and acceptance of settlement does not preclude recomputation and adjustment when there is a mutual mistake. Payments are not authorized for any claim compensated by private law before October 25, 1951.

1004 TAX ADJUSTMENT

See [Chapter 24](#), section 2411.

*1005 APPROPRIATION CHARGES

The payments that become due and payable as a result of the correction are charged to the [Department of Defense Military Retirement Fund](#) for all amounts due on and after the date of approval by the Secretary concerned. Amounts due for periods before the date of approval by the Secretary of the Military Department concerned (or designee) are charged by [Defense Finance and Accounting Service](#) to the Claims, Department of Defense appropriation.

1006 RESTRICTIONS

No payment resulting from a correction of records may be made for a benefit to which the claimant might later become entitled under the laws and regulations administered by the Secretary of Veterans Affairs.

*BIBLIOGRAPHY

CHAPTER 10 – CORRECTION OF RECORDS

1002 – CORRECTIONS	10 U.S.C. 1552(a)(2) DoDD 1332.41, April 8, 2007
100201	10 U.S.C. 1552(a)(4)
100202	B-179467, May 2, 1974; 39 Comp Gen 178 (1959), DOHA Claims Case No. 04090713 (December 8, 2004)
100203	10 U.S.C. 1552(a) and (b)
1003 – PAY COMPUTATION	
100304	10 U.S.C. 1552(c) 10 U.S.C. 2771 DoD FMR, Volume 7B, Chapter 30
100305	10 U.S.C. 1552(c)(3)
1006 – RESTRICTIONS	10 U.S.C. 1552(e)