

Department of the Navy, DoD

§ 723.11

§ 723.10 Settlement of claims.

(a) *Authority.* (1) The Department of the Navy is authorized under 10 U.S.C. 1552 to pay claims for amounts due to applicants as a result of corrections to their naval records.

(2) The Department of the Navy is not authorized to pay any claim heretofore compensated by Congress through enactment of a private law, or to pay any amount as compensation for any benefit to which the claimant might subsequently become entitled under the laws and regulations administered by the Secretary of Veterans Affairs.

(b) *Application for settlement.* (1) Settlement and payment of claims shall be made only upon a claim of the person whose record has been corrected or legal representative, heirs at law, or beneficiaries. Such claim for settlement and payment may be filed as a separate part of the application for correction of the record.

(2) When the person whose record has been corrected is deceased, and where no demand is presented by a duly appointed legal representative of the estate, payments otherwise due shall be made to the surviving spouse, heir or beneficiaries, in the order prescribed by the law applicable to that kind of payment, or if there is no such law covering order of payment, in the order set forth in 10 U.S.C. 2771; or as otherwise prescribed by the law applicable to that kind of payment.

(3) Upon request, the applicant or applicants shall be required to furnish requisite information to determine their status as proper parties to the claim for purposes of payment under applicable provisions of law.

(c) *Settlement.* (1) Settlement of claims shall be upon the basis of the decision and recommendation of the Board, as approved by the Secretary or his designee. Computation of the amounts due shall be made by the appropriate disbursing activity. In no case will the amount found due exceed the amount which would otherwise have been paid or have become due under applicable laws had no error or injustice occurred. 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 may be reduced by the amount of any existing indebtedness to the Government arising from military service.

(2) Prior to or at the time of payment, the person or persons to whom payments are to be made shall be advised by the disbursing activity of the nature and amount of the various benefits represented by the total settlement and shall be advised further that acceptance of such settlement shall constitute a complete release by the claimants involved of any claim against the United States on account of the correction of the record.

(d) *Report of settlement.* In every case where payment is made, the amount of such payment and the names of the payee or payees shall be reported to the Executive Director.

§ 723.11 Miscellaneous provisions.

(a) *Expenses.* No expenses of any nature whatsoever voluntarily incurred by the applicant, counsel, witnesses, or by any other person in the applicant's behalf, will be paid by the Government.

(b) *Indexing of decisions.* (1) Documents sent to each applicant and counsel in accordance with § 723.3(e)(5) and § 723.8(a)(4), together with the record of the votes of Board members and all other statements of findings, conclusions and recommendations made on final determination of an application by the Board or the Secretary will be indexed and promptly made available for public inspection and copying at the Armed Forces Discharge Review/Correction Boards Reading Room located on the Concourse of the Pentagon Building in Room 2E123, Washington, DC.

(2) All documents made available for public inspection and copying shall be indexed in a usable and concise form so as to enable the public to identify those cases similar in issue together with the circumstances under and/or reasons for which the Board and/or Secretary have granted or denied relief. The index shall be published quarterly and shall be available for public inspection and distribution by sale at the

Pt. 724

32 CFR Ch. VI (7–1–05 Edition)

Reading Room located on the Concourse of the Pentagon Building in Room 2E123, Washington, DC. Inquiries concerning the index or the Reading Room may be addressed to the Chief, Micromation Branch/Armed Forces Discharge Review/Correction Boards Reading Room, Crystal Mall 4, 1941 Jefferson Davis Highway, Arlington, Virginia 22202.

(3) To the extent necessary to prevent a clearly unwarranted invasion of personal privacy, identifying details of the applicant and other persons will be deleted from the documents made available for public inspection and copying. Names, addresses, social security numbers and military service numbers must be deleted. Deletions of other information which is privileged or classified may be made only if a written statement of the basis for such deletion is made available for public inspection.

PART 724—NAVAL DISCHARGE REVIEW BOARD

Subpart A—Definitions

- Sec.
- 724.101 Naval Service.
- 724.102 Naval Discharge Review Board.
- 724.103 NDRB panel.
- 724.104 NDRB Traveling Panel.
- 724.105 President of the NDRB.
- 724.106 Presiding Officer, NDRB Panel.
- 724.107 Discharge.
- 724.108 Administrative discharge.
- 724.109 Types of administrative discharges.
- 724.110 Reason/basis for administrative discharge.
- 724.111 Punitive discharge.
- 724.112 Clemency discharge.
- 724.113 Application.
- 724.114 Applicant.
- 724.115 Next of kin.
- 724.116 Council/representative.
- 724.117 Discharge review.
- 724.118 Documentary discharge review.
- 724.119 Personal appearance discharge review.
- 724.120 National Capital Region (NCR).
- 724.121 Decisional document.
- 724.122 Recorder, NDRB Panel.
- 724.123 Complainant.

Subpart B—Authority/Policy for Departmental Discharge Review

- 724.201 Authority.
- 724.202 Statutory/Directive Authority.

- 724.203 Broad objectives of naval discharge review.
- 724.204 Eligibility for naval discharge review.
- 724.205 Authority for review of naval discharges; jurisdictional limitations.
- 724.206 Jurisdictional determinations.
- 724.207 Disposition of applications for discharge review.
- 724.208 Implementation of NDRB decisions.
- 724.209 Evidence supporting applications.
- 724.210 Review action in instances of unavailable records.
- 724.211 Regularity of government affairs.
- 724.212 Availability of records.
- 724.213 Attendance of witnesses.
- 724.214 Applicant's expenses.
- 724.215 Military representation.
- 724.216 Failure to appear at a hearing or respond to a scheduling notice.
- 724.217 Limitation—Reconsiderations.
- 724.218 Limitation—Continuance and Postponements.
- 724.219 Withdrawal of application.
- 724.220 Review on motion of the NDRB.
- 724.221 Scheduling of discharge reviews.
- 724.222 Personal appearance discharge hearing sites.
- 724.223 NDRB support and augmentation by regular and reserve activities.
- 724.224 Court-martial specifications, presumption concerning.

Subpart C—Director, Naval Council of Personnel Boards and President Naval Discharge Review Board; Responsibilities in Support of the Naval Discharge Review Board

- 724.301 Mission.
- 724.302 Functions: Director, Naval Council of Personnel Boards.
- 724.303 Functions: President, Naval Discharge Review Board.
- 724.304 Responsibility for Department of the Navy support of the Naval Discharge Review Board.
- 724.305 Functions of the CMC and CNO.
- 724.306 Functions of the Commander, Naval Medical Command.
- 724.307 Functions of the Commander, Naval Reserve Force.

Subpart D—Principal Elements of the Navy Department Discharge Review System

- 724.401 Applicants.
- 724.402 Naval Discharge Review Board.
- 724.403 President, Naval Discharge Review Board.
- 724.404 Director, Naval Council of Personnel Boards.
- 724.405 Commandant of the Marine Corps or the Commander, Naval Military Personnel Command.
- 724.406 Commander, Naval Medical Command.