RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2016-00099

 COUNSEL: NONE

 HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

Five days of leave he lost in fiscal year 2015 (FY15) be restored to his leave account.

APPLICANT CONTENDS THAT:

He was assigned as a Remotely Piloted Aircraft (RPA) asset in direct support of CENTCOM’s area of responsibility (AOR). RPA manning is at a critical low point, and was surging due to SECDEF and CSAF operational requirements. During FY15, he flew missions during Operation FREEDOM’S SENTINEL and Operation ENDURING FREEDOM. Therefore, he was unable to use five days of use or lose leave before the end of FY15.

The applicant’s complete submission, with attachments, is at Exhibit A.

STATEMENT OF FACTS:

The applicant served in the New York Air National Guard (NYANG) in the rank of major during the matter under review.

According to the documentation submitted by the applicant, on 1 Oct 15, he lost 5.0 days of leave.

The remaining relevant facts pertaining to this application are contained in the memorandum prepared by the Air Force office of primary responsibility (OPR), which is attached at Exhibit C.

AIR FORCE EVALUATION:

AFPC/DP2SSM recommends denial indicating there is no evidence of an error or an injustice. In accordance with AFI 36-3003, *Military Leave Program*, paragraph 10.9., “Members not eligible for SLA, for the reasons listed in paragraph 10.8, can request recovery of days lost by submitting DD Form 149, *Application for Correction of Military Records,* under the Provisions of Title 10, United States Code Section 1552. See AFI 36-2603. Member’s application must clearly establish that an error or injustice by the Air Force caused the member’s lost leave.” The applicant was able to take 35 days of leave during FY15, and lost five days of leave. The applicant did not submit documentation which establishes there was an error or injustice, nor were there specific details about the member’s missions or schedule that would have prevented the member from taking leave.

A complete copy of the AFPC/DP2SSM evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 17 Jun 16 for review and comment within 30 days (Exhibit D). As of this date, no response has been received by this office.

THE BOARD CONCLUDES THAT:

1.  The applicant has exhausted all remedies provided by existing law or regulations.

2.  The application was timely filed.

3.  Insufficient relevant evidence has been presented to demonstrate the existence of an error or injustice. We took notice of the applicant’s complete submission in judging the merits of the case; however, we agree with the opinion and recommendation of AFPC/DP2SSM and adopt its rationale as the basis for our conclusion the applicant has not been the victim of an error or injustice. Therefore, in the absence of evidence to the contrary, we find no basis to recommend granting the requested relief.

THE BOARD DETERMINES THAT:

The applicant be notified the evidence presented did not demonstrate the existence of material error or injustice; the application was denied without a personal appearance; and the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

The following members of the Board considered AFBCMR Docket Number BC-2016-00099 in Executive Session on 21 Feb 17 under the provisions of AFI 36-2603:

 Panel Chair

 Member

 Member

The following documentary evidence pertaining to AFBCMR Docket Number BC-2016-00099 was considered:

 Exhibit A.  DD Form 149, dated 9 Nov 15, w/atchs.

 Exhibit B.  Applicant's Master Personnel Records.

 Exhibit C.  Memorandum, AFPC/DP2SSM, dated 19 Apr 16.

 Exhibit D.  Letter, SAF/MRBR, dated 17 Jun 16.

Pursuant to paragraph 1 of AFI 36-2603 (Title 32 Code of Federal Regulations, Part 865.1), it is certified that a 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.