



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1004
ARLINGTON, VA 22204-2490

DJC
Docket No. NR3139-14
11 Sep 14

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) OCNO memo 7431 Ser N130C/14U1029 dtd 7 Aug 14
(3) Subject's naval record

1. Pursuant to the provisions of reference (a) Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to established entitlement to payment of lump sum leave (LSL).

2. The Board, consisting of Mr. Ruskin, Mr. Exnicios, and Mr. George, reviewed Petitioner's allegations of error and injustice on 10 September 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, to show that:

a. In conjunction with his travel settlement on or about 7 February 2011, Petitioner requested and was approved to sell back 10 days leave. Note: Petitioner received BUPERS Orders for active duty for special work under the authority of title 10 USC section 12301 for a period of duty 12 October 2010 to 6 February 2011, earning 10 days leave, and he will be entitled to payment for 10 days of leave.

b. In conjunction with his travel settlement on or about 7 March 2012, Petitioner requested and was approved to sell back 17.5 days leave Combat Zone Tax Exclusion (CZTE). Note: Petitioner received BUPERS Mobilization order 0351 under the authority of title 10 USC section 12302 for a period of duty 7 February 2011 to 6 March 2012 (arriving to a hostile fire/imminent danger/CZTE area on 25 February 2011 and departing 1 March 2012), earning 32.5 days leave and taking 15 days leave, resulting in a total balance of 17.5 days. This change entitles him to payment for 17.5 days of leave (CZTE).

c. In conjunction with his travel settlement on or about 1 October 2013, Petitioner requested and was approved to sell back 35 days leave, vice 16.5 days. Note: Petitioner received BUPERS Mobilization order 0052 under the authority of title 10 USC section 12302 for a period of duty 7 March 2012 to 30 September 2013, earning 47 days leave and taking 12 days leave, resulting in a total balance of 35 days. This change entitles him to payment for 35 days of leave vice 16.5 days leave.

d. A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. 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.


BARBARA A. NAHULAK
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.

11 Sep 14



ROBERT J. O'NEILL
Executive Director