



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

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Docket No. 8084-20
Ref: Signature Date

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Dear █:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted was insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 11 January 2022. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies. In addition, the Board considered the advisory opinion contained in Office of the Chief of Naval Personnel memorandum 7220 Ser N130C1/20U1793 of 2 December 2020; a copy of which was previously provided to you for comment.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

In accordance with MILPERSMAN 1050-180, the following individuals in positions of authority may grant convalescent leave to active duty Navy patients subject to a set of conditions: a member's commanding officer (upon advice of attending physician); commanders of Navy, Army, or Air Force medical facilities, for personnel hospitalized therein; or the commanding officer of the nearest naval hospital for personnel hospitalized in U.S. Public Health Service hospitals or civilian hospitals; and managers of Veterans Administration hospitals within the 50 United States or in Puerto Rico, may grant convalescent leave to active duty Navy patients, with or without reference to a medical board, a physical evaluation board, or higher authority provided that the conditions stated below are met.

All of the following conditions must be met before convalescent leave may be granted: The convalescent leave is being granted subsequent to and because of a period of hospitalization.

Hospitalization is defined as formal admission to a medical treatment facility. The member is not awaiting disciplinary action or separation from the service for medical or administrative reasons. The medical officer in charge of the case considers the convalescent leave to be beneficial to the patient's health. The medical officer in charge of the case certifies; 1) the patient is not fit for duty, 2) the patient will not need hospital treatment during the convalescent leave period contemplated, and 3) such leave will not delay final disposition of the case.

On 7 July 2018, you transferred from █. █ Community Hospital (Surgeon/Provider) issued you a memorandum recommending for Convalescent Leave for 30 days beginning 20 July 2018 to 17 August 2018 due to surgery on 19 July 2018. On 17 August 2018, you arrived to █ for duty. You were charged leave while in a travel status from 7 July 2018 to 11 August 2018 (36 days).

You requested 30 days leave restored; the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that there is no evidence or supporting documentation reflecting you were granted or approved convalescent leave. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

2/14/2022

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Deputy Director

Signed by: █