



On 27 July 2006, you entered active duty. On 1 July 2007, HQMC authorized and transferred you to the Active Reserve (Component code B1). You were continuously in the Active reserve until 31 January 2021, when you were transferred to the Retired List upon having sufficient service for retirement. Furthermore, you were issued a Certificate of Release or Discharge from Active duty (DD Form 214) listing block 16 (Days accrued leave paid) with 40.5.

In accordance with the Marine Corps Total Force System, you sold leave on 15 October 1998 (7.5 days), 13 August 1999 (6.5 days), 27 November 2004 (5.5 days), and 31 May 2006 (11.5 days) for a total of 31 days.

In accordance with you January 2021 LES, you had a leave balance of 57 days. Furthermore, you career leave sold erroneously listed 36.0 with an available 24 days left to sell. Your account was audited and it was determined that you were not authorized to sell leave on 31 May 2007 and should have carried forward 23.5 days. Adjustments were made to your leave account and your career leave sold was corrected to 31 with an available 29 days left to sell. The 5 career days and 18.5 additional reserve days that were paid at the O-3 rate in 2007 with 8 years of service recouped and paid at the O-5 rate current year with 22 years of service.

You requested that your career sold leave number reflect 0 in order to sell back a total of 57 days of leave; 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 it could not reset your sold leave number to 0 because you were in excess of 365 days of active reserve and the 60 days career leave payment limitation applies to you. 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,

11/22/2021

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