



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

[REDACTED]
Docket No. 5841-21
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN RET,
XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. §1552
(b) MILPERSMAN 7220-340 of 25 Sep 18

Encl: (1) DD Form 149 w/attachments
(2) OCNO memo 7220 Ser N130C3/22U0057 of 10 Jan 22
(3) Subject's naval record

1. Pursuant to the provisions of reference (a) Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting his naval record be corrected to show he was paid for lump sum leave sold at retirement.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 8 February 2022 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, relevant portions of Petitioner's naval record, 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 accordance with reference (b), a Service member is entitled to receive payment for no more than 60 days of accrued leave during a military career.

c. On 30 November 2018, Petitioner honorably transferred to the retired list. Furthermore, Petitioner requested 30 days accrued leave paid.

d. On 24 June 2019 (billing date), Defense Finance and Accounting Service (DFAS) informed you that your account was paid in full.

e. On 14 January 2019, Petitioner was charged terminal leave for the period of 5 November 2018 to 30 November 2018 (26 days). Furthermore, number of leave days paid was 30 days.

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f. On 7 June 2021, DFAS notified Petitioner with a notice of payment summary. This correspondence was regarding account number [REDACTED]. Petitioner's debt was due to payments received after he enter a no pay status due to his separation on 30 November 2018. Petitioner's original debt was for \$7,371.51. In addition, \$17.42 of interest and administrative fees were also applied to the debt. Petitioner had paid a total of \$7,388.93. Their records indicate that Petitioner's account was placed in a paid in full status on 17 June 2019.

g. 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. The Board concluded that per DFAS Indianapolis debt computation and payment summary letter, Petitioner was entitled to payment of leave sold but was paid active duty pay after retirement, resulting in a government debt. Petitioner has satisfied the debt and his account is now paid in full on 17 June 2019, therefore, Petitioner should be paid for leave sold.

RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner submitted a request for a lump-sum payment for 30 days of accrued leave on the date of retirement.

Note: Defense Finance and Accounting Service (DFAS) will complete an audit of Petitioner's records to determine if Petitioner is due any back pay.

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.

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.

3/7/2022

[REDACTED]
Deputy Director

Signed by: [REDACTED]