



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

■
Docket No. 6580-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) MILPERSMAN 7220-340
(c) COMNAVRESFORINST 3060.7D
(d) MILPERSMAN 1741-020

Encl: (1) DD Form 149 w/attachments
(2) OCNO memo 7431 Ser N130C6/22U0277, 16 Feb 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 that his naval record be corrected to extend mobilization end date of 5 July 2021 to 8 July 2021 to account for 3-days of annual leave carried over. Additionally, Petitioner requested to receive the associated pay and allowances with changing the end date and correction to blocks 11, 12b, 12c, 13, 14, 19a, and 19b on his DD Form 214, Certificate of Release or Discharge from Active Duty (Serial Number: N2021070500022-0). Lastly, Petitioner requested a refund of \$25 in Service Members Group Life Insurance (SGLI) premium deductions from June 2020.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 30 November 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, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. In accordance with reference (b), Sailors who desire to carry over leave must sign a NAVPERS 1070/613, Administrative Remarks, documenting desire for leave carry-over prior to the end of each active duty period. Failure to make an election or non-receipt of the NAVPERS 1070/613 by the servicing personnel support prior to the end of any active duty period will result

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
[REDACTED]

in lump-sum payment for accrued leave. Active Duty orders will not be extended to accommodate leave.

b. Reference (c) specifies the Navy Reserve Activity (NRA) shall determine when a Reserve Component (RC) Sailor's terminal leave is expected to end. On that date, verify that the appropriate Personnel Support Detachment completes the active duty loss transaction. Additionally, RC Sailors shall complete deactivation processes at the NRA prior to departing on terminal leave.

c. Per reference (d), members may decline coverage under the Service-Member's Group Life Insurance (SGLI), and are encouraged to check their leave and earning statements (LES) to verify the subsequent change in premium.

d. On 4 February 2018, Petitioner declined SGLI coverage via the SGLI Online Enrollment Service.

e. Petitioner's Reserve LES for check date 13 May 2020 reflected a leave balance of 3.0-days of annual leave.

f. On 20 March 2020, Petitioner issued BUPERS Mobilization Order: 0800 under Title 10 U.S.C. 12302. Subsequently, the order was modified on 12 May 2020 and 18 May 2020.

g. On 22 May 2020, Petitioner and Witness signed "Leave Carry Over" NAVPERS 1070/613, Administrative Remarks that indicated, "I hereby request to carry over all earned leave to my active duty orders. And that my total number of leave available to reflect on my LES."

h. Petitioner executed BUPERS Mobilization Order: 0800 and entered active duty on 29 May 2020 with a beginning leave balance of 0-days.

i. SGLI premium deductions began on 17 June 2020 with an effective beginning date of May 2020. However, on 18 June 2020, the SGLI premium deduction were suspended retroactive to June 2020.

j. Petitioner took 1-day of annual leave on 9 February 2021, 6 April 2021, and 13 April 2021 for a total of 3-days of annual leave.

k. On 5 February 2021, Petitioner issued BUPERS Demobilization Order: 0361. The orders directed Petitioner to detach no later than 14 May 2021, report to Navy Mobilization Processing Site, [REDACTED] on or about 17 May 2021 and thereafter report to the Navy Operational Support Center, [REDACTED] for deactivation on or about 31 May 2021.

l. On 3 June 2021, Petitioner and Authorized Official signed DD Form 214, Serial Number: N2021070500022-0 for the active duty period of 29 May 2020 through 5 July 2021.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]

m. On 6 June 2021, Petitioner departed for 30-days of terminal leave. Petitioner had a maximum leave accrual of 30.5-days.

n. Petitioner's last day of terminal leave was 5 July 2021 and he was released from active duty on that same date.

o. On 29 July 2022, Navy Personnel Command (NPC) issued Petitioner DD Form 214 (Serial Number: N2021070900099-0) for the active duty period of 29 May 2020 through 9 July 2021. This DD Form 214 made corrections on Blocks 11, 13, 14, 19a, and 19c as requested by Petitioner; Blocks 12b and 12c were changed to reflect the active duty period ending 9 July 2021 vice the requested date of 8 July 2021. Block 16 was changed to reflect no days of accrued leave sold to Petitioner, and Block 18 was changed to reflect Petitioner took 34-days of leave.

p. 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 Petitioner declined SGLI coverage and because of administrative error, the erroneous authorization to elect SGLI coverage was suspended but the suspension was not retroactive to May 2020 resulting in the \$25 premium deduction. Additionally, the Board found that Petitioner took proactive steps to ensure his carried over leave was accounted for by signing "Leave Carry Over" NAVPERS 1070/613, Administrative Remarks prior to executing BUPERS Mobilization Order: 0800. Furthermore, the Board determined Petitioner's DD Form 214 contained errors by his omission but resolved that NPC issued him an updated DD Form 214 with corrections as requested before the Board convened; therefore, under these circumstances, partial relief is warranted.

RECOMMENDATION

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

Petitioner recertified his declination of SGLI coverage upon executing BUPERS Mobilization Order: 0800.

Note: Defense Finance and Accounting Service (DFAS) will complete an audit of Petitioner's pay record to determine SGLI, pay and allowances entitlement resulting from correction of SGLI coverage and correction of DD Form 214 (Serial Number: [REDACTED]).

The part of Petitioner's request for corrective action that exceeds the foregoing is denied. Corrections to DD Form 214 were completed by NPC prior to Board review; therefore, action by the Board was not required, but the Board felt DFAS should audit Petitioner's pay record to ensure he was properly compensated.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]

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

4. 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.

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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

12/13/2022

[REDACTED]