



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

█
Docket No. 7174-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █, USNR, XXX-XX █

Ref: (a) Title 10 U.S.C. §1552
(b) MILPERSMAN 1050-120 of 22 Aug 02

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by N130C3 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 Petitioner's leave balance corrected, all debts voided, and any money collected returned with interest if possible.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 25 January 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), when consistent with military requirements, a member may be granted leave which expires if active duty, on the day of separation without the necessity of returning to the separation site.

c. On 8 July 2020, Petitioner's Separations Questionnaire (NPPSC 1900/1) listed terminal leave from 26 October 2020 to 17 November 2020.

d. On 7 October 2020, Petitioner was issued official separation orders (BUPERS order: █) while stationed in █ with an effective date of departure of November 2020. Petitioner's place elected for travel was █ with an effective date of separation 17 November 2020.

e. On 8 October 2020, Petitioner submitted a Leave Request/Authorization (NAVCOMPT Form 3065) requesting separation/retirement leave at 16:00 on 26 October 2020 to 23:59 on 17 November 2020 (22 days). Petitioner's request was approved on 8 October 2020.

f. On 17 November 2020, Petitioner was honorably released from active duty and transferred to the Naval Reserve.

g. On 27 November 2020, Petitioner was charged with terminal leave for the period of 20 October 2020 to 17 November 2020 (29 days).

h. On 10 May 2021, Petitioner received Defense Finance and Accounting Service letter informing him of indebtedness to the United States Government. Debt was due to leave Petitioner took from 20 October 2020 to 17 November 2020 resulting in a negative leave balance of 7.5 days, which included a non-accrual of 1.0 day(s). Petitioner's debt was due to the deferred collection of all or a portion of his social security tax from September through December 2020. When Petitioner separated, the deferred taxes he owed were not fully collected, and a debt was established. The government paid the deferred social security taxes to the internal revenue service (IRS) on Petitioner's behalf, and therefore, he owed a debt for the amount paid.

i. On 23 June 2021, Commander, Submarine Squadron II notified BCNR that Petitioner had an approved terminal leave request in Navy Standard Integrated Personnel System (NSIPS) for 16:00, 19 October 2020 to 23:59, 17 November 2020 for a total of 29 days, however, due to administrative oversight Petitioner was wrongly overcharged seven days of leave. The correct leave days for Petitioner should have been 16:00, 26 October 2020 to 23:59, 17 November 2020 for a total of 22 days. Request to correct Petitioner's charged leave and revoke his indebtedness.

j. 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 partial 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 partial corrective action. The Board concluded due to no fault of Petitioner and per the letter from Commander, Submarine Squadron 11 dated 23 June 2021, Petitioner's leave dates were changed on the paper leave request. However, the command failed to correct the NSIPS leave request resulting in overcharged leave. Debt due to Social Security Taxes (SST) deferment and any money collected for SST by DFAS remains valid.

RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that: Petitioner was charged terminal leave from 27 October 2020 to 17 November 2020 (22 days) vice 20 October 2020 to 17 November 2020 (29 days).

Note: As a result of this change, Petitioner will be credited with 7 days of terminal leave that were previously charged on 27 November 2020. Defense Finance and Accounting Service (DFAS) will complete an audit of Petitioner's records to determine if Petitioner is due any back pay.

That part of the Petitioner's request for corrective action that exceeds the foregoing be denied.

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.

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

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.

2/17/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]