



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

[REDACTED]
Docket No. 7177-21
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. §1552
(b) MILPERSMAN 1300-500 of 12 Oct 19

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by N130C3 of 13 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 her naval record be corrected to show Petitioner was credited with 27 days leave for the period of 28 January 2021 to 23 February 2021 that were erroneously charged.

2. The Board, consisting of [REDACTED] and [REDACTED] 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), detailing authorities are aware of the hardships that confront Navy families and the additional aggravation imposed by long absences of Service members from their families. Emergency leave frequently provides sufficient time to alleviate such hardships; however, when Service members require more time than leave can provide and have a chance of resolving the hardship within a reasonable period, reassignment for humanitarian reasons (HUMS) may be requested. A request for reassignment will not be disapproved because a Service member is needed in duties assigned. This article contains the general guidelines concerning application and assignment options available.

c. On [REDACTED], Petitioner transferred from [REDACTED]

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d. On 23 February 2021, Petitioner was issued official modification of change duty orders (BUPERS order: 3247) while stationed in [REDACTED] with an effective date of departure of January 2021. Petitioner's ultimate activity was [REDACTED] for duty humanitarian assignment with an effective date of arrival of 28 February 2021. Furthermore, Petitioner's orders were endorsed when she reported to [REDACTED] with an effective date of 29 January 2021.

e. In accordance with History of Assignments (Official Navy Standard Integrated Personnel System (NSIPS)/Electronic Service Record (ESR) form), Petitioner arrived to [REDACTED] on [REDACTED] for duty humanitarian assignment.

f. on 22 March 2021, Petitioner was charged leave for the period of 28 January 2021 to 23 February 2021 (27 days).

g. On 22 September 2021, Petitioner received Defense Finance and Accounting Service letter informing her of indebtedness to the United States Government. Debt was due to leave Petitioner took from 28 January 2021 to 23 February 2020 resulting in a negative leave balance of 15.0 day(s) which includes a non-accrual of 1.5 day(s). Petitioner was not entitled to pay and allowances during periods of negative leave. If Petitioner disagrees with the validity or amount of his debt, she could contact the Pay Office, DMPO, or AFAFO that placed her in debt and have them provide DFAS with proper documentation to alter or cancel Petitioner's debt.

h. 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 partial corrective action. The Board concluded that confusion surrounding when and where Petitioner was to check in was no fault of Petitioner and emergency leave was erroneously charged for the period 28 January 2021 to 23 February 2021 resulting in a negative leave balance of 15.0 days which includes a nonaccrual of 1.5 days causing the debt. The Board concluded that Petitioner's orders were endorsed on 29 January 2021 vice 28 January 2021.

RECOMMENDATION

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

Petitioner's report date was 29 January 2021 vice 28 February 2021.

Note: As a result of this change, Petitioner will be credited with the 27 days of leave that were previously charged on 22 March 2021. Defense Finance and Accounting Service (DFAS) will complete an audit of Petitioner's records to determine if Petitioner is due any back pay. Furthermore, this may require Petitioner to resubmit travel claim.

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[REDACTED]

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.

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
[REDACTED]