



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

█
Docket No. 1352-22
Ref: Signature Date

█
█
█

Dear █:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted was insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 1 March 2022. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies. In addition, the Board considered the advisory opinion by N130C2 of 21 January 2022 and your response to the advisory opinion.

On █ you were married. On █ your child (█) was born. On █ you submitted a Leave Request/Authorization (NAVCOMPT Form 3065) requesting leave at 07:01 on 2 April 2011 to 07:00 on 12 April 2011 (10 days), and your request was approved on 22 March 2011. On █ your child (█) was born and on █ your child (█) was born. On 14 August 2015 you submitted a NAVCOMPT Form 3065 requesting leave at 06:30 on 27 July 2015 to 16:00 on 5 August 2015 (10 days) and your request was approved on 24 August 2015.

You requested to be credited for 10 days of leave taken for the birth of each child that had been mistakenly charged.¹ The Board, in its review of your entire record and application, carefully

¹ In accordance with MILPERSMAN 1050-430 published on 2 December 2008, Per reference (a) and in accordance with policies governing authority to grant leave in reference (b), commanding officers (COs) will grant 10 days of non-chargeable leave of absence to a married member of the Navy on active duty, whose wife gives birth to a child, in connection with the birth of the child.

a. Paternity leave may be granted in conjunction with ordinary leave. b. COs will grant leave on an individual basis dependent on the unit's mission, specific operational circumstances, and service-member's billet. c. Paternity leave must be taken within 365 days of the birth of the child. Waivers to this policy must be submitted to Office of Chief of Naval Operations (OPNAV),

weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that you provided no evidence to substantiate your claims. Based on the available information and without command letter or Leave and Earnings Statements, settled travel claim, etc., the Board cannot determine the existence of error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.²

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, _____

3/22/2022

█

Deputy Director

Signed by: █

Military Compensation Branch (N130) for approval, with an explanation of circumstances that prevented use of paternity leave. d. The full 10 days of paternity leave need not be taken in a single block; however, periods of non-chargeable leave may not be taken consecutively in conjunction with liberty or special liberty. For example, 5 days of paternity leave, followed by a weekend, and a second period of paternity leave would not be allowable. e. The 10-day entitlement remains the same for multiple births (twins, triplets, etc.).

² N130C requires additional information. Require information to prove that leave was not charged correctly. The leave request for 10 days does not have the type of leave (block 10) filled out and the comments (block 24) provides no mention to the type of leave. There is no documentation provided to prove that the leave was charged incorrectly. The leave request for 9 days has the type of leave stated as ordinary leave (block 10) and the comments (block 24) states that paternity leave is being taken in conjunction with regular leave. There is no documentation provided to prove that the leave was charged incorrectly.