



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

█
Docket No. 1469-22
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. §1552
(b) MILPERSMAN 1050-070 of 22 Jan 10

Encl: (1) DD Form 149 w/attachments
(2) OCNO memo 7220 Ser N130C3/22U0394 of 7 Mar 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 show Petitioner was approved for Special Leave Accrual (SLA).

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 15 March 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), it is Navy policy to authorize members to accrue up to 120 days earned leave when assigned to duty under any of the circumstances specified under the "Eligibility Criteria" table. If members are serving in a deployable ship, mobile unit, or similar duty, and which, because of operational mission requirements, deploys or operates away from its designated home port or home base for a continuous period of at least 60 days, thus preventing normal use of earned leave before it is lost at the end of the fiscal year (FY), then members are eligible for special leave accrual.

Verification process: Personnel, who believe they are eligible for the special leave accrual, should declare their eligibility to their commanding officer (CO)/officer in charge (OIC). CO/OIC responsibilities: Ensuring personnel under their command are informed of this entitlement. Ensuring an appropriate service record entry is made for unit deployment dates of departure and arrival for qualifying assignments as described in "Eligibility Criteria" table, Verifying member's eligibility by service record review.

c. On 4 April 2019, Petitioner arrived to █ for duty. On 29 July 2019, Petitioner deployed. On 1 October 2019, Petitioner lost 14.0 leave. On 8 November 2019, Petitioner returned from deployment. On 4 April 2021, Petitioner transferred from her unit.

d. 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 Petitioner was on deployment for greater than 60 days in 2019, which prevented the use of normal leave before the end of fiscal year 2019 and she lost 14.0 days of leave. In accordance with reference MILPERSMAN 1050-070, a member that serves on a deployable ship that is deployed away for their assigned homeport for at least 60 days is eligible for special leave accrual; therefore, Petitioner is eligible to have 14.0 days of lost leave restored.

RECOMMENDATION

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

Petitioner's Request for special leave accrual was submitted via the chain of command (COC) to the approving authority no earlier than the end of the FY, and no later than the end of the first quarter of the following FY.

Note: As a result of this change, Petitioner will be credited with the 14.0 days of leave effective 1 October 2019. In this case, the carryover period terminates at the end of the third FY after the FY in which the ship or mobile unit returns from a qualifying deployment. Finally, Defense Finance and Accounting Service (DFAS) will complete an audit of Petitioner's records to determine Petitioner's leave balance.

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.

4/12/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]