



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

[REDACTED]
Docket No. 2543-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN RET,
[REDACTED]

Ref: (a) Title 10 U.S.C. §1552
(b) MILPERSMAN 1050-120 of 22 Aug 02
(c) MILPERSMAN 1320-220 of 14 Jul 09

Encl: (1) DD Form 149 w/attachments
(2) OCNO memo 7220 Ser N130C3/22U0608 of 11 Apr 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 he was on terminal leave from 31 December 2021 to 31 January 2022 and back pay from the correct number of leave days sold back.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 19 April 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, (1) if active duty, on the day of separation without the necessity of returning to the separation site. (2) if reserve, prior to the effective date of separation in order that allowable travel time can be completed on the separation date.

c. In accordance with reference (c), DoD Instruction 1327.06 provides commanding officers (COs) authority to grant PTDY for transition assistance job/house hunting for members involuntarily separated from service under honorable conditions and those retiring (including transfer to the fleet reserve and disability retirements). The Secretary of Defense (SECDEF) has

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indefinitely extended the authority for the military services to authorize PTDY for members being involuntarily separated or retiring.

Members stationed in the continental United States (CONUS) may receive up to a total of 10 (Involuntary separation) or 20 (Retired) days transition PTDY.

d. On 30 August 2021, Petitioner was issued a Temporary Additional Duty (TEMADD) Travel Orders (NAVPERS 1320/16) effective 10 December 2021 for 20 days to NPTU [REDACTED], [REDACTED] for House Hunting/Job Hunting. Estimated date of return was 30 December 2021.

e. On 31 August 2021, Petitioner submitted a Leave Request/Authorization (NAVCOMPT Form 3065) requesting separation/retirement leave at 23:59 on 30 December 2021 to 23:59 on 31 January 2022 (32 days). Petitioner's request was approved on 6 September 2021.

f. On 29 November 2021, Petitioner was issued official Fleet Reserve orders (BUPERS order: 3331) while stationed in [REDACTED], [REDACTED] with an effective date of departure of January 2022. Petitioner's place of home of election was deferred with an effective date of retirement 31 January 2022.

g. On 31 January 2022, Petitioner was honorably transferred to the Fleet Reserve upon having sufficient service for retirement.

h. On 31 January 2022, Petitioner was charged with terminal leave for the period of 26 December 2021 to 28 January 2022 (34 days). Furthermore, Petitioner was paid for 7.5 days accrued leave.

i. On 22 February 2022, Petitioner was charged with terminal leave for the period of 29 January 2022 to 31 January 2022 (3 days).

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 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 charged terminal leave for the period 26 December 2021 through 31 January 2022 vice 31 December 2021 through 31 January 2022 per approved leave request resulting in 5 additional days of unused leave. Petitioner was on house hunting/job hunting during the 5 days charged 26 December 2021 through 30 December 2021; therefore, Petitioner should be credited with 5 days of unused leave and his terminal leave dates should be corrected.

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[REDACTED]

RECOMMENDATION

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

Petitioner was charged terminal leave from 31 December 2021 to 31 January 2022 (32 days) vice 26 December 2021 to 31 January 2022 (37 days).

Note: As a result of this change, Petitioner will be credited with 5 days of terminal leave that were previously charged. Defense Finance and Accounting Service (DFAS) will complete an audit of Petitioner's records to determine if Petitioner is due any back pay.

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.

5/16/2022

[REDACTED]