



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

■
Docket No. 5216-22
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) DoD 7000.14-R FMR Volume 7A, Chapter 35
(c) MILPERSMAN 7220-340, 25 Sep 18

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by OCNO (N130C3), 25 Jul 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 that his naval record be corrected to show Petitioner reenlisted on 19 April 2022 and elected to have his leave carried over to the new enlistment.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 10 August 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), a Service member is entitled to receive payment for no more than 60 days of accrued leave during a military career.

c. In accordance with reference (c), enlisted Service members may sell a portion of accrued leave and carry forward the remainder to a new enlistment or first extension.

d. On 31 May 2016 Petitioner reenlisted for 6 years with an End of Active Obligated Service (EAOS) of 30 May 2022.

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e. On 8 December 2021 Petitioner signed a command career request (NPPSC 1160/1) for a 3-year reenlistment effective 19 April 2022. Furthermore, under "Selling Back Leave" it was marked "no"; however, under "How Many Days" it was marked "55 days." Petitioner's request was approved by cognizant authority on 9 December 2021.

f. On 19 April 2022 Petitioner signed an Administrative Remarks (NAVPERS 1070/613) and elected "Leave carried over to new enlistment." Command Career Counselor certified Petitioner's request.

g. On 19 April 2022 Petitioner reenlisted for 3 years with an EAOS of 18 April 2025. Furthermore, "LSL SELLBACK" listed 55 days. In accordance with Defense Joint Military Pay System (DJMS)/Master Military Pay Account (MMPA), Petitioner received 1 Lump-Sum Leave (LSL) Payment on 19 April 2022 for a total of 55 days.

h. On 15 May 2022 Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 17 May 2022.

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 requested to carry leave balance over to new reenlistment contract, however, he annotated his leave balance intending for it to be carried over. It is evident of a miscommunication and Command Career Counselor, chain of command, or servicing TSC/RSC did not clarify the error. Although Petitioner signed the NPPSC 1160/1 and reenlistment contract without the paperwork being corrected, Petitioner would like to pay back the money received and have records updated to reflect leave balance carried over to present contract and reset career leave sold counter back to zero. Enclosure (2) recommended the board approve Petitioner's request to update reenlistment contract to remove leave sold, recoup amount paid for leave sold, leave balance updated to reflect days carried over to new contract and career leave sold counter reset to zero.

RECOMMENDATION

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

Petitioner's immediate reenlistment contract (NAVPERS 1070/601) executed on 19 April 2022 for 3 years listed LSL SELLBACK of "00.0" vice "55.0."

Note: 55.0 days will be reinstated to Petitioner's leave account. The Lump Sum Leave payment previously paid will be recouped. No waiver of recoupment will be granted.

That no further changes be made to Petitioner's naval record.

That a copy of this report of proceedings be filed in Petitioner's naval record.

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4. It is certified that a 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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

8/24/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]