



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

■
Docket No. 6863-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MBR ■■■■■■■■■■, USN,
XXX-XX-■■■■■

Ref: (a) Title 10 U.S.C. § 1552
(b) MILPERSMAN 1300-081, 3 Jun 11
(c) DoD 7000.14-R FMR Volume 7A, Chapter 35

Encl: (1) DD Form 149 w/attachments
(2) 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 her naval record be corrected to show Petitioner's unused leave balance upon separation from the Navy was carried over to her leave account in the United States Air Force (USAF).

2. The Board, consisting of ■■■■■■■■■■, ■■■■■■■■■■, and ■■■■■■■■■■ reviewed Petitioner's allegations of error and injustice on 2 November 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), per NAVSO P-6048, DoD Military Pay and Allowance Entitlements Manual accrued leave is not payable in the case of an officer executing an inter-service transfer. The number of days of accrued leave is noted in the remarks section of the DD 214 to assist the gaining service in accurately crediting the officer's leave account.

c. On 17 November 2009, Petitioner signed an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) in the active U.S. Navy as an Ensign with a permanent grade date/present grade date of 17 November 2009 with a designator code of 1390 (URL Officer in training for duty involving flying as a Naval Aviator (pilot)).

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d. In accordance with reference (c), payments for accrued leave may be used to satisfy debts to the U.S. Government without restriction. Furthermore, if an officer of any military service has been on active duty for 30 or more consecutive days and is transferred to a different military service by separation and immediate reappointment, and immediately enters active duty with the other military service, then accrued leave is not payable.

e. On 5 August 2019, Petitioner was issued official separation orders (BUPERS order: 2179) while stationed in [REDACTED] with an effective date of departure of September 2019. On the day following detachment Petitioner was directed to execute appointment in USAF with commission, immediately following execution of oath of office carry out orders to active duty in USAF. In final endorsement to these orders, officer's CO is directed to include therein information concerning leave as required by MILPERSMAN 1300-080. Special instructions - member authorized to separate 30 September 2019 to accept commission in the USAF effective 1 October 2019.

f. Petitioner was discharged with an honorable character of service and was issued a DD Form 214 for the period of 17 November 2009 to 30 September 2019 upon interdepartmental transfer.

g. On 31 October 2019, the Navy stopped Petitioner's pay effective 30 September 2019.

h. On 31 October 2019, Petitioner's leave balance was 22.5 days effective 30 September 2019 and received lump sum payment in the amount of \$5,379.53.

i. Petitioner was issued a Defense Finance and Accounting Service Military Leave and Earnings Statement for the period of 1 to 30 November 2019 listing a separation date of 30 September 2019 creating a debt.

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 discharged from the U.S. Navy on 30 September 2019 and immediately accepted a regular commission in the USAF on 1 October 2019. Petitioner's DD Form 214 executed on 30 September 2019 listed 0.0 days accrued leave paid. The Navy did not stop Petitioner's pay upon her transfer to the USAF and she was overpaid by the Navy for the month of October 2019. Because Petitioner was overpaid, a debt was created. Subsequently, Petitioner's 22.5 days of accrued leave was applied to her debt in accordance with reference (c). However, there is no evidence that Petitioner requested to sell back leave and the Board determined that in accordance with reference (c) Petitioner was ineligible to sell back leave upon her interdepartmental transfer, therefore, a measure of relief is warranted.

RECOMMENDATION

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

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Petitioner's DD Form 214 executed on 30 September 2019 listed block 18 (Remarks) 22.5 days accrued leave to be carried over to the USAF. Note: That any other entries affected by the Board's recommendation be corrected.

Note: Defense Finance and Accounting Service (DFAS) will complete an audit of Petitioner's financial records to credit Petitioner's leave balance and recalculate her debt.

A copy of this Report of Proceedings will be filed in Petitioner's naval record.

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.

11/4/2022

