

DEPARTMENT OF THE NAVY

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

> Docket No. 7401-22 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) DoD 7000.14-R FMR Volume 7A, Chapter 35

(c) MILPERSMAN 7220-340, 25 Sep 18

Encl: (1) DD Form 149 w/attachments

- (2) OCNO memo 7220 Ser N130C3/22U1527, 14 Oct 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 sold 30-days of his unused leave in conjunction with his reenlistment on 16 June 2022
- 2. The Board, consisting of previous previous previous previous previous Petitioner's allegations of error and injustice on 19 October 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. On 1 August 2021 the Deputy Chief of Naval Personnel notified Petitioner that he was authorized immediate in-rate reenlistment in the active component with an end date of November 2022.
- b. On 8 May 2022 Petitioner signed a command career request (NPPSC 1160/1) requesting a 4-year reenlistment with an effective date of 16 June 2022 to sell back of 30 days leave. The request was approved by cognizant authority on 15 June 2022.
- c. On 16 June 2022 Master Military Account (MMPA) listed a brought forward leave balance of 93.5 days, and on 16 June 2022 Petitioner reenlisted for 4 years with an end of active obligated service of 15 June 2026.

d. On 1 October 2022, MMPA listed a leave balance of 80.5 days, currently he has a leave balance of 83.0 days.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of reference (b)¹ and (c),² and enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that Petitioner showed the intent of selling 30-days of his accrued leave by electing to do so on his NPPSC 1160/1 on 8 May 2022, which was approved by his command on 15 June 2022. Due to oversight by Petitioner and his Command Career Counselor, Petitioner did not receive payment for the requested 30 days of leave because Petitioner's reenlistment contract listed 00.0 Lump Sum Leave (LSL) Sellback. The Board decided that under these circumstances, relief is warranted.

RECOMMENDATION

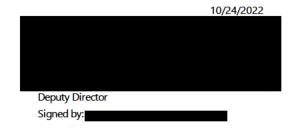
That Petitioner's naval record be corrected, where appropriate, to show that:

The immediate reenlistment contract (NAVPERS 1070/601) executed on 16 June 2022 for a term of 4 years, listed LSL SELLBACK "30.0" vice "00.0."

Note: 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 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.



¹ Reference (b), a Service member is entitled to receive payment for no more than 60 days of accrued leave during a military career.

² Reference (c), enlisted Service members may sell a portion of accrued leave and carry forward the remainder to a new enlistment or first extension.