



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

█
Docket No. 7808-22
Ref: Signature Date

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Dear █:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 25 January 2023. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies. In addition, the Board also considered the advisory opinion by the Office of the Chief of Naval Operations (N130C3), 10 November 2022, which was previously provided to you. You were afforded an opportunity to submit a rebuttal, but did not do so.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

On 3 March 2022 you were issued official change duty orders (BUPERS order: █) while stationed in █ with an effective date of departure of July 2022. Your ultimate activity was █ for duty with an effective date of arrival of July 2022, with a projected rotation date of July 2024.

On 15 June 2022 you were transferred from █, and arrived to █ on 22 July 2022 for duty, and on 16 June 2022 your daughter was born. On 26 August 2022 you were charged leave while delay enroute for the period of 15 June 2022 to 9 July 2022 (25 days).

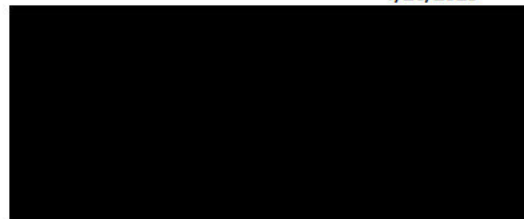
You requested that 21 days of the leave used during your permanent Change of Station move (in addition to the authorized 8 days of travel) be charged as paternity leave instead of regular leave. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that in accordance with MILPERSMAN 1050-415,¹ Secondary Caregiver Leave (SCL) is 2-week (14-day), non-chargeable leave period for the designated Secondary Caregiver. Furthermore, you must be designated Primary Caregiver (PC) or Secondary Caregiver (SC) in order to be authorized to take Primary Caregiver Leave (PCL) or SCL. Finally, you were already on an authorized leave status and not attached to a command in which you could request SCL via Navy Standard Integrated Personnel System (NSIPS). In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

Lastly, the Board noted that once you are designated as PC or SC, you may request to take PCL or SCL, as appropriate, through your Chain of Command. Any PCL or SCL authorized for you must be used prior to 15 June 2023.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely, _____

1/26/2023



¹ In accordance with MILPERSMAN 1050-415 of 8 November 2018, SCL is a 2-week (14-day), non-chargeable leave period for the designated SC following a Qualifying Birth Event (QBE) or Qualifying Adoption (QA).

Designations of PC and SC, under normal circumstances, should occur 60 days in advance of the expected QBE or QA and must be documented on a permanent Administrative Remarks (NAVPERS 1070/613). Command administrative offices will maintain a copy and send a copy to Navy Personnel Command Records Management Policy Branch (PERS-313) for inclusion into the Service member's official military personnel file. For children born outside of marriage, the non-birthparent Service member's parentage must be established. Proof of parentage may include, but is not limited to being listed with consent as a parent on the child's birth certificate or other government issued document, acknowledgement in writing of an obligation to support the child by court order, or registration or pending registration in the Defense Enrollment Eligibility Reporting System (normally within 30 days of the birth). Each leave period (MCL, PCL, or SCL) must be taken in one increment, i.e., once Maternity Convalescent Leave (MCL) commences, the Service member must take all 6 weeks consecutively. PCL or SCL that has not started will expire 1 year following a QBE or QA. MCL, PCL, and SCL must be requested through e-Leave in NSIPS. Until NSIPS is fully updated to include the MCL, PCL, and SCL options, requests should be selected as "Convalescent" with full annotation in the "comment" section clarifying purpose for leave either MCL, PCL, or SCL.