



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

█
Docket No. 8293-22
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 11 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 accordance with DoD 7000.14-R FMR Volume 7A, Chapter I states that excess leave is leave granted in excess of that accrued or advanced. Pay and Allowances During Excess Leave. Members on excess leave are not entitled to pay and allowances. When the complete period of leave is granted as excess leave, pay and allowance accrual will be stopped beginning with the first day of leave.

On 25 August 2016, you 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 16 November 2014 with a designator code of 2900 (Nurse Corps Officer).

On 14 April 2020, you were issued official separation orders (BUPERS order: █) while stationed in █ with an effective date of departure of October 2020. By direction of the president, the Secretary of the Navy has accepted your resignation of your present commission in the U.S. Naval service submitted on 16 February 2019.

On 27 August 2020, you submitted Leave Request/Authorization (NAVCOMPT Form 3065) requesting separation/retirement leave from 07:00 4 September 2020 to 23:59 31 October 2020 at █. Your request was approved by cognizant authority on 1 September 2020.

The Report of Medical Examination on 9 September 2020 noted that you were currently fit for full duty and on terminal leave.

You were issued a detachment of individual Fitness Report and Counseling Record for the period of 1 February 2020 to 31 October 2020. You took leave from 10 September 2020 to 31 October 2020.

You resigned with an honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 5 September 2016 to 31 October 2020 upon completion of required active service. Furthermore, block 16 (Days accrued leave paid) listed zero days.

Master Military Pay Account (MMPA) listed a terminal leave transaction for the period of 4 September 2020 to 31 October 2020 (58 days). Furthermore, the period of leave used was greater than the leave balance earned; therefore, the portion in excess was charged to excess leave.

You requested to change your record to reflect indebtedness for .5 days of excess leave vice 3.5; 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 on 1 October 2020, you carried forward 25.5 days of leave and you earned 2 days of leave. After you used 27.5 days of leave, you entered an excess leave status, which continued until your resignation on 31 October 2020, resulting in an excess leave balance of 3.5 days. In accordance with DoD 7000.14-R FMR, you were not entitled to pay and allowances during your period of excess leave.

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,

1/18/2023

