

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

1050-070, the Service Member below is authorized SLA for being deployed for more than 60 continuous days. Days of restore 15 days.”

e. Petitioner transferred to the Fleet Reserve with an honorable character of service and was issued a DD Form 214, Certificate of Release or Discharge from Active Duty for the period of 5 April 1994 to 30 April 2020 upon having sufficient service for retirement.

f. On 20 May 2020, in accordance with the Master Military Pay Account, Petitioner’s basic pay stopped on 20 May 2020. Furthermore, Petitioner was charged with terminal leave from 2 February 2020 to 30 April 2020 (89 days). Finally, Petitioner sold 1.5 days.

g. On 9 December 2021, Defense Finance and Accounting Service (DFAS) notified Petitioner of indebtedness to the United States Government. “Your debt of \$7,615.81 is due to leave you took from 02 February 2020 to 30 April 2020 resulting in a negative leave balance of 15.0 day(s) which includes a non-accrual of 1.5 day(s). You are not entitled to pay and allowances during periods of negative leave. If you disagree with the validity or amount of your debt, please contact the pay office, DMPO, or AFAFO that placed you in debt and have them provide our office with proper documentation to alter or cancel your debt. Debt is due to payments received after you entered a no pay status due to retirement as of 30 April 2020 these payments are as follows: mid-month of \$3,457.86 dated 15 May 2020.”

h. In the advisory opinion, attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner’s application has commented to the effect that the request has merit and warrants favorable action.

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 partial corrective action. The Board concluded that the SLA letter from the CO confirms Petitioner’s eligibility for SLA was verified. Although the command and servicing Personnel Support Activity Detachment failed to submit Petitioner’s SLA in accordance with reference (b),¹ Petitioner should not be penalized. The Board believed that Petitioner in good faith submitted his request for separation leave on the basis that his SLA was submitted and approved and that he would not have requested separation leave that accounted for the 15 days in question if it would have resulted in debt. Therefore, the Board determined that Petitioner is eligible to

¹ Reference (b), it is Navy policy to authorize members to accrue up to 120 days earned leave when assigned to duty under any of the circumstances specified under the “Eligibility Criteria” table. If members are serving in a deployable ship, mobile unit, or similar duty, and which, because of operational mission requirements, deploys or operates away from its designated home port or home base for a continuous period of at least 60 days, thus preventing normal use of earned leave before it is lost at the end of the fiscal year, then members are eligible for SLA. Verification process: Personnel, who believe they are eligible for the SLA, should declare their eligibility to their CO/officer in charge (OIC). CO/OIC responsibilities: Ensuring personnel under their command are informed of this entitlement. Ensuring an appropriate service record entry is made for unit deployment dates of departure and arrival for qualifying assignments as described in “Eligibility Criteria” table, Verifying member’s eligibility by service record review.

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have 15 days of leave restored. Furthermore, DFAS will conduct an audit of Petitioner's account to determine the effect this change will have on his debt.

RECOMMENDATION

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

Petitioner's Request for SLA was submitted via the chain of command to the approving authority no earlier than the end of the FY, and no later than the end of the first quarter of the following FY.

Note: As a result of this change, Petitioner will be credited with the 15.0 days of leave effective 1 October 2019. Finally, Defense Finance and Accounting Service will complete an audit of Petitioner's records to determine if Petitioner is due any back pay.

That part of the Petitioner's request for corrective action that exceeds the foregoing be denied.

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.

12/17/2023

[REDACTED]