



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

██████████  
Docket No. 2223-23  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████, USNR,  
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) Advisory opinion by OCNO 7220 Ser N130C3/23U1012, 15 Aug 23  
(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 pay 45 days of leave or to carry-over 45 days of leave at the time of release from active duty on 31 October 2022.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 9 January 2024 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Petitioner was released from active duty for special work 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 13 December 2015 to 30 September 2020 upon completion of required active service. In accordance with the Master Military Pay Account, Petitioner sold 13 days of accrued leave and was paid on 30 September 2014 and sold 47 days of accrued leave and was paid on 30 September 2020.

b. On 7 August 2020, COMNAVPERSCOM, Millington, TN issued Petitioner NAVPERSCOM order ██████████ (Official Recall to Active Duty Orders) with an ultimate duty station ██████████, ██████████ for duty with a report NET/NLT of 1 November 2020.

c. On 29 July 2022, COMNAVPERSCOM, Millington, TN issued Petitioner NAVPERSCOM order ██████████ (Definite Recall Non-continuation orders). Per MILPERSMAN 1050-010, Petitioner's accrued leave during this period must be liquidated. Petitioner may execute leave upon command

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approval, request a lump-sum payment in accordance with MILPERSMAN 7220-340, or request leave to be carried over to next period of active duty.

d. Petitioner was released from active duty and transferred to the Navy Reserve with an honorable character of service and was issued a DD Form 214 for the period of 1 November 2020 to 31 October 2022 upon completion of required active service. Furthermore, block 16 (Days Accrued Leave Paid) listed 45.0 days.

e. On 10 November 2022, Petitioner signed an Administrative Remarks (NAVPERS 1070/613) issued by NAVRESCEN, [REDACTED], [REDACTED]. Petitioner acknowledged the following: "The following information is provided for the tracking of Leave Sell Back in accordance with Naval Military Personnel Manual NAVPERS: 15560D: Amount of leave on separation is 45 days, leave sold upon separation is 45 days, and leave carried over is 0 days; Petitioner's request was witnessed.

f. On 20 March 2023, COMNAVPERSCOM, Millington, TN issued Petitioner BUPERS activation/order to active duty order: [REDACTED] (Official Recall to Active Duty orders) with a report on or about 19 September 2023. On 17 September 2023, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 21 September 2023 for duty.

g. 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 corrective action. The Board concluded that Petitioner was paid for 47 days of unused accrued leave upon his release from active duty in September 2020, totaling 60 days of leave sold in his career up to that point. Petitioner provided a NAVPERS 1070/613 stating that he wanted to sell the 45 days of unused leave in 2022 and provided no supporting documentation requesting to carry his leave over for any future active service.<sup>1</sup> In accordance with reference (b),<sup>2</sup> Petitioner did not meet the criteria to sell back leave in excess of 60 days due to being on active duty for an excess of 365 days. Furthermore, Petitioner's DD Form 214 with a separation date this period of 31 October 2022 listed 45.0 days in block 16, however Petitioner did not receive payment due to having already sold 60 days of accrued leave. Therefore, Petitioner's DD-214 ending on 31 October 2022 accrued leave paid should be corrected and Petitioner should be allowed to carry-over said leave for a future extended active duty.

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<sup>1</sup> Reference (c), Reserve Component. Sailors who desire to carry over leave must sign NAVPERS 1070/613 documenting desire for leave carry-over prior to the end of each ACDU period. NAVPERS 1070/613 must be received and signed as witnessed by the supported command, Service member's assigned Reserve Component activity, or the servicing personnel support detachment prior to the completion of each ACDU period. Failure to make an election or non-receipt of the NAVPERS 1070/613 by the servicing personnel detachment prior to the end of any ACDU period(s) will result in lump-sum payment for accrued leave.

<sup>2</sup> Reference (b) generally a Service member is entitled to receive payment for no more than 60 days of accrued leave during a military career. The 60-day leave payment limitation does not apply to leave accrued by a member of a Reserve Component while serving on active duty, full-time National Guard duty, or active duty for training during a period of more than 30 days, but not in excess of 365 days, beginning on or after October 1, 2001.

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## RECOMMENDATION

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

Petitioner's DD Form 214 with a separation date this period of 31 October 2022 listed block 16 (Days Accrued Leave Paid) "0.0" vice "45.0" days. Note: Navy Personnel Command will issue a DD Form 215 or a new DD Form 214, whichever one they deem appropriate, that reflects the Board's corrective action.

Petitioner's Administrative Remarks (NAVPERS 1070/613) issued by cognizant authority prior to 1 November 2022. Petitioner acknowledged the following: "The following information is provided: Amount of leave on separation is 45.0 days, leave sold upon separation is 0.0 days, and leave carried over is 45.5 days." Note: Any other entries affected by the Board's recommendation be corrected.

The Defense Finance and Accounting Service will reinstate 45.0 days to Petitioner's leave account effective 31 October 2022 and complete an audit of Petitioner's records to carry forward and adjust his account accordingly.

That 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.

1/17/2024

