



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

[REDACTED]
Docket No. 4917-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD [REDACTED], USNR,
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) OPNAVINST 1330.2C of 12 Mar 18

Encl: (1) DD Form 149 w/attachments
(2) 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 her naval record be corrected to show Petitioner's leave account was credited 53.0 days of lump sum leave (LSL) that was sold in error.

2. The Board, consisting of [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 23 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. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows: Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

a. On 24 May 2021, Petitioner was issued official separation orders (BUPERS Order: 1441) while stationed in [REDACTED] with an effective date of departure of July 2021. Petitioner's place elected for travel was [REDACTED] with an effective date of separation of 3 July 2021.

b. Petitioner was released from active duty and transferred to the Navy Reserve with an honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 6 August 2014 to 3 July 2021 due to intra-departmental transfer. Furthermore, block 16 (days accrued leave paid) None, and block 18 (Remarks) serial number: N2021070300030-0; transaction code: a; SVM authorized leave carryover at time of EAOS 3 July per OPNAVINST 1330.2C; participation in the career intermission program; block

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25 should read OPNAVINST 1330.2C, unable to adjust until NSIPS systematic change request is initiated and completed per program managers...” “Continue on DD-214C”

c. On 4 July 2021, Petitioner reenlisted for 3 years in the U.S. Naval Reserve with an End of Reserve Enlistment of 3 July 2024.

d. On 26 July 2021, Master Military Pay Account listed LSL paid to date of 53 days effective 3 July 2021 for \$5,630.72.

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 in according to reference (b),¹ Petitioner was eligible to carry over her leave to use when back on active duty. Furthermore, Participants will ensure DD Form 214, section 18, indicates the number of leave days retained for use upon return to active duty. Petitioner signed her DD Form 214 without ensuring that block 18 (Remarks) indicated the number of days of leave to carry over; however, block 18 does state that she is authorized leave carryover. Additionally, block 16 (Days Accrued Leave Paid) lists “None”. Therefore, the Board found it reasonable to assume that Petitioner did not intend to sell her leave. Finally, because Petitioner is willing to repay the payment she received for the leave, Petitioner’s leave should be carried over and not sold.

RECOMMENDATION

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

Petitioner’s DD Form 214 signed by official authority on 2 July 2021 added, “leave carried over is 53.0 days” to block 18 (remarks).

Note: That any other entries affected by the Board’s recommendation be corrected. The Defense Finance and Accounting Service will reinstate 53.0 days to Petitioner’s leave account effective 3 July 2021 and complete an audit of Petitioner’s records to carry forward and audit pay account.

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.

¹ Reference (b), paragraph 3, Career Intermission Program provides a one-time temporary transition from active duty to the Individual Ready Reserve (IRR) for members to pursue personal or professional growth outside the Service while providing a mechanism for their seamless return to active duty. The long term intent of this program is to retain the valuable experience and training Service members possess that might otherwise be lost by permanent separation. Participants may either use their remaining leave balance prior to transferring to the IRR, sell back their leave balance (if eligible), or carry over up to 60 leave days to use when back on active duty, as authorized by reference (a), section 533. Participants will ensure DD Form 214 Certificate of Release or Discharge from Active Duty, section 18, indicates the number of leave days retained for use upon return to active duty.

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[REDACTED]

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.

1/30/2024

