



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

[REDACTED]
Docket No. 7834-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by OCNO memo 7220 Ser N130C3/23U1193, 6 Oct 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 show Petitioner was restored 7.5 days of leave that was erroneously lost at the start of FY20.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 14 March 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. On 23 March 2018, Petitioner reenlisted for 6 years with an End of Active Obligated Service of 22 March 2024 and LSL SELLBACK of 00.0.

b. On 20 September 2019, Chairman, Board for Correction of Naval Records notified Secretary of the Navy that Petitioner's Naval record be corrected, where appropriate, to show that Petitioner's NAVPERS 1070/601, Immediate Reenlistment Contract, executed on 23 March 2018 for a term of 6 years, is modified to read: "LSL SELLBACK: 30.0" vice "00.0." "Note: This change will entitle Petitioner to a lump sum payment for accrued leave of 30.0 days."

c. Petitioner was issued Defense Finance and Accounting Service (DFAS) Military Leave and Earnings Statement for the period of 1 October 2019 to 31 October 2019 listing a leave brought forward balance of 60.0 days, earned 2.5 days, current balance of 62.5 days and leave loss of 7.5 days.

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d. On 22 January 2020, Petitioner's Master Military Pay Account listed a lump-sum leave payment of 30 days effective 23 March 2018.

e. 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's leave sell back was ultimately processed on 22 January 2020 and back dated to the reenlistment date of 23 March 2018. If Petitioner's leave was processed at the time of his reenlistment, he would not have lost the 7.5 days of leave at the end of FY-18, and leave loss was due to an administrative error and not Petitioner's doing. Because the leave sell back was honored after the fact and back dated to the reenlistment date, lost leave should also be credited back to Petitioner's leave account and allowed to be used during the current FY.

RECOMMENDATION

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

Petitioner's leave account for the period of 1 October 2019 to 31 October 2019 listed a leave brought forward balance of 37.5 days, earned 2.5 days, current balance of 40.0 days and leave lost 00.0 days.

Note: As a result of this change, Petitioner will be credited with the 7.5 days of leave effective 1 October 2019. The DFAS will complete an audit of Petitioner's leave account.

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.

3/21/2024

