



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

██████████
Docket No. 8179-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████, USN,
██████████

Ref: (a) Title 10 U.S.C. § 1552
(b) MILPERSMAN 1050-070, 22 Jan 10¹

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by OCNO memo 7220 Ser N130C3/23U1264, 1 Nov 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 20.5 days of leave credited as Special Leave Accrual (SLA) for fiscal year (FY) ending 2022.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 7 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 30 July 2018, Petitioner transferred from ██████████, and arrived to ██████████
██████████ ND on 30 July 2018 for duty.

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 FY, then members are eligible for SLA.

Verification process: Personnel, who believe they are eligible for the SLA, should declare their eligibility to their commanding officer (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.

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

b. On 16 July 2021, Petitioner reenlisted for 5 years with an End of Active Obligated Service of 15 July 2026 with a Lump Sum Leave Sellback of 00.0 days.

c. On 30 September 2022, Petitioner's Master Military Pay Account shows that his leave balance brought forward was 86.5. Petitioner earned 30.0, used 14.0 with a leave balance for 102.5 days. On 1 October 2022, Petitioner's leave balance brought forward was 82.0 days. Petitioner lost 20.5 days.

d. On 27 October 2022, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 18 November 2022 for duty.

e. On 14 December 2022, Commanding Officer, [REDACTED] ([REDACTED]) notified DFAS, Cleveland, OH that "[i]n accordance with MPM 1050-070, I hereby report [SLA] entitlement for FY-22 for the personnel assigned to my command as listed on the accompanying SLA formatted EXCEL spreadsheet. I certify that the 60 listed on the accompanying spreadsheet have met the eligibility criteria for [SLA] for FY-22 specifically listed in paragraph (3) of MPM 1050-070." Petitioner's name was listed for SLA of 42.5 days due to serving in a deployable ship, mobile unit, or similar duty.

f. 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 had 20.5 days of leave that was lost due to his inability to execute leave as a result of his command [REDACTED] ([REDACTED]) being deployed. An SLA request dated 14 December 2022 was submitted with the member listed as one of the SLA eligible service members; therefore, Petitioner's 20.5 days of accrued leave should be restored.

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 20.5 days of leave effective 1 October 2022. The Defense Finance and Accounting Service will complete an audit of Petitioner's leave account.

A copy of this Report of Proceedings will be filed in Petitioner's naval record.

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

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.

3/13/2024

[REDACTED]