

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2021-03511

XXXXXXXXXXXXXXXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

### APPLICANT'S REQUEST

He be reimbursed the Basic Allowance for Housing (BAH) and Basic Allowance for Subsistence (BAS) for seven and one half (7.5) days of accrued saved leave.

### APPLICANT'S CONTENTIONS

After more than 2 years of phone calls and tickets submitted to the Defense Finance and Accounting Service (DFAS), he has not received the BAH and BAS payment for 7.5 days of saved leave. The DFAS denial letter states his claim was returned without action for two reasons, but both are the result of DFAS errors.

First, DFAS indicated he was charged 4.5 days of saved leave so it was not available to be sold; however, that leave should not have been charged. Financial regulations clearly state that saved leave should be charged only after all other leave was zeroed out. He sold 11.5 days of leave upon retirement, so all 7.5 days of saved leave should have been included as part of these 11.5 days.

Second, DFAS claimed he was paid BAH and BAS for 3 days of saved leave. His research revealed that DFAS originally paid BAH and BAS for the 3 days, but later rescinded the payment.

In support of his request, the applicant submitted excerpts of applicable financial management regulations and copies of pay records disputing DFAS transactions.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a retired Air Force brigadier general (O-7).

On 2 June 1976, the applicant entered active duty, and on 31 October 2016, he was released from active duty for the purpose of retirement, effective 1 November 2016. He was credited with 40 years, 4 months, and 29 days of active service.

On 6 February 2019, in a memorandum provided by the applicant, DFAS notified the applicant his claim was returned without action stating his Military Master Pay Account (MMPA) indicates he used 4.5 days of saved leave and received payment for 3 days of saved leave which is reflected in his November 2016 leave and earning statement.

For more information, see the excerpt of the applicant's record at Exhibit B.

### APPLICABLE AUTHORITY/GUIDANCE

**DoD 7000.14-R, *Financial Management Regulation, Volume 7A, Chapter 35, Leave Accounting.*** Accrued leave must be carefully accounted for and accurately identified as to the time and circumstances under which it was earned. The number of days accrued and value of unused leave that is to be sold depends upon the timeframe and circumstances under which it was

earned. Leave accrued on or before 31 August 1976 is valued using basic pay, BAH, BAS, and Personal Money Allowance, if applicable. This leave is generally called “saved leave.” Leave earned on or after 1 September 1976 is valued using only basic pay. Generally, when used, leave will be charged with the most recently accrued leave charged first. This method is known as Last In, First Out. As an exception, saved leave will be charged last.

## **AIR FORCE EVALUATION**

AFPC/DPP (Air Force Military Pay Policy and Procedures) recommends granting the applicant’s request. After a review of the applicant’s MMPA and provided documentation, there is evidence of an error. Prior to 1 September 1976, accrued leave was valued using base pay, BAH, and BAS, and referred to as saved leave. Service members could sell saved leave and receive pay based on additional entitlements, rather than base pay alone. The applicant’s leave balance and payment at separation was calculated incorrectly. He had a balance of 11.5 days of regular leave, for which he was paid. He should have also received payment for 7.5 days of saved pay leave, which has not happened.

The complete advisory is at Exhibit C.

## **APPLICANT’S REVIEW OF AIR FORCE EVALUATION**

The Board sent a copy of the advisory opinion to the applicant on 20 September 2023 for comment (Exhibit D), but has received no response.

## **FINDINGS AND CONCLUSION**

1. The application was timely filed.
2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, the Board concludes the applicant is the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DPP and finds a preponderance of the evidence substantiates the applicant’s contentions. Therefore, the Board recommends correcting the applicant’s records as indicated below.

## **RECOMMENDATION**

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show he be authorized payment for 7.5 days of accrued saved leave.

## **CERTIFICATION**

The following quorum of the Board, as defined in Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2021-03511 in Executive Session on 26 October 2022 and 14 December 2023:

, Panel Chair  
, Panel Member  
, Panel Member

All members to correct the record. The panel considered the following:

Exhibit A: Application, DD Form 149, w/atchs, dated 21 October 2021.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory opinion, AFPC/DPP, dated 5 May 2023.

Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 20 September 2023.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

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Board Operations Manager, AFBCMR