

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-00364

XXXXXXXXXXXX

COUNSEL: XXXXX

HEARING REQUESTED: NO

APPLICANT'S REQUEST

10 days of lost leave be restored

APPLICANT'S CONTENTIONS

In Mar 19, he was notified that he was selected for a one year command tour to Kuwait, which resulted in four temporary duty assignments (TDY) for pre-deployment training totaling 32 days, prior his Jun 19 departure. Additionally, during the period of Jul 19 – Sep 19, he was TDY for 19 days. Therefore due to short notice, pre-deployment training and command TDYs, he was unable to use his leave.

In support of his appeal, he provides a Special Leave Accrual (SLA) request signed by his commander recommending approval for restoring 10 days of annual leave.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a Regular Air Force lieutenant colonel (0-5).

According to documentation provided by the applicant (AF Forms 988, *Leave Request and Authorization*, and AF Forms 1351-2, *Travel Voucher or Subvoucher*), the applicant was on leave or TDY for 32 days during the period of Mar 19 - Jun 19. Additionally, he was TDY for 19 days during the period of Jul 19 - Sep 19. He was on leave or TDY for a total of 92 days in CY19.

According to AF Form 707, *Officer Performance Report*, dated 28 May 20 and the applicant's Officer Personnel Brief from the Military Personnel Data System (MilPDS), dated 27 Apr 22, show that he was assigned to Kuwait as a squadron commander.

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

AIR FORCE EVALUATION

AFPC/DP2SSM, recommends granting the application. Although SLA is not an eligible reason for SLA, based upon documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice. Due to his circumstances with pre-deployment training, training his replacement, being TDY for 55 days, he took as much leave as possible during the time period between being notified in Mar 19 and departing in Jun 19 for his one-year command tour.

The complete advisory opinion is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 6 Apr 22 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/DP2SSM 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 the APPLICANT be corrected to show that ten (10) days of lost leave be restored to his current leave account. IAW AF 36-3003, paragraph 5.9, members must use these days before the end of the current fiscal year.

CERTIFICATION

The following quorum of the Board, as defined in Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2022-00364 in Executive Session on 17 May 22:

- , Panel Chair
- , Panel Member
- , Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 31 Jan 22.

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

Exhibit C: Advisory opinion, AFPC/DP2SSM, dated 3 Apr 22.

Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 6 Apr 22.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by AFI 36-2603, paragraph 4.11.9.

X

Board Operations Manager, AFBCMR