



CUI//SP-MIL/SP-PRVCY

**UNITED STATES AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS**

RECORD OF PROCEEDINGS

IN THE MATTER OF:

Work-Product

DOCKET NUMBER: BC-2022-00809

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His unused deferred Consecutive Overseas Tour (COT) leave entitlement for his assignment from England to Germany be reinstated.

APPLICANT'S CONTENTIONS

He had previously deferred his COT leave when he had a Permanent Change of Station (PCS) assignment from England to Germany in August 2021; however, soon thereafter, Operation ALLIES REFUGE began which made it difficult to take leave due to the increased Operations Tempo. Then in late Jan 22, his son was diagnosed with a serious mental health condition, and he had to apply for re-assignment under the Exceptional Family Member Program (EFMP).

Due to circumstances beyond his control, he was unable to use the deferred COT entitlement prior to leaving Germany and the only exception outlined in the regulation is for when a service member is unable to use the entitlement due to "duty in connection with contingency operations."

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an active duty Air Force master sergeant (E-7).

On 13 Feb 17, a memorandum from the Special Needs Coordinator at the *Work...* Medical Group, Osan Air Base, Republic of Korea, provided by the applicant, shows he had been identified as having a family member with exceptional medical, psychological, or educational needs.

On 20 May 17, the applicant's Report on Individual Personnel (RIP) indicates he was assigned to the *Work-Pro...* Medical Squadron at Royal Air Force (RAF) Croughton, England.

On 31 Mar 21, Special Order *Work-Product* amended Special-Order *Work-Product* dated 16 Mar 21 and shows the applicant was to be reassigned from Croughton, England to Landstuhl, Germany and authorized the applicant and his dependents to defer COT travel. The order further states COT leave must be taken prior to completion of the tour at the new Permanent Duty Station (PDS).

On 1 Aug 21, the applicant's RIP indicates he was assigned to the *Work...* Medical Squadron at Ramstein AB, Germany.

**AFBCMR Docket Number BC-2022-00809
CUI//SP-MIL/SP-PRVCY**

Controlled by: SAF/MRB
CUI Categories: SP-MIL/SP-PRVCY
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

CUI//SP-MIL/SP-PRVCY

On 17 Feb 22, a memorandum from the EFMP Medical Special Needs Coordinator at the [Work-... Medical Group, Ramstein AB, Germany, provided by the applicant, indicates he had a PCS assignment to Germany on Aug 21 and was seeking reassignment based on new diagnoses for his dependent son requiring care and treatment not available in the local medical treatment facility (MTF) network.

On 5 Apr 22, according to Special Order [Work-Product], the applicant was authorized a PCS assignment from Landstuhl, Germany to Fort Sam Houston, Texas with a Report No Later than Date (RNLTD) of 31 May 22.

On 2 May 22, the applicant's RIP indicates he was assigned to the [Work-Pr...] Inpatient Operations Squadron, Fort Sam Houston, Texas.

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

APPLICABLE AUTHORITY/GUIDANCE

AFI 36-3003, Military Leave Program, effective 24 Aug 2020.

6.2. Deferred Consecutive Overseas Tour (COT). Deferred COT refers to members unable to use the COT leave travel and transportation allowances between the two tours because of military necessity, or when requested by member and approved for COT leave deferment. Members have until the end of their new tour to use the COT leave travel and transportation allowances, otherwise the authority expires. (T-0). The leave taken is ordinary leave charged based on authorized allowable travel time.

6.3. Scheduling Travel. The unit works with the member to schedule the IPCOT or COT travel and makes sure the member uses the travel opportunity. Since the IPCOT and COT travel is a statutory allowance, members forfeit this opportunity if not used within the specified period covered in paragraph 6.3.1 or 6.3.2 below. Use DD Form 1610 for COT, deferred COT or IPCOT travel.

6.3.2. Scheduling Deferred COT Leave Travel. When a member arrives at the new duty station, permanent change of station orders should show member authorized deferred COT. Members have until the end of their new tour to use the COT leave travel and transportation allowances. Otherwise, the allowance expires. Note: If the determination is made that the member did not use the deferred COT, the member is required to reimburse the government for permanent change of station COT leave travel payments made on the permanent change of station voucher.

6.3.3. Exception to End of Tour Limitation. Members unable to use the authority before completing the new tour due to duty in connection with contingency operations may defer travel until not more than 1 year after the completion of the duties precluding travel. In this case, the member is still authorized to leave travel from the new Permanent Duty Station (i.e., the permanent duty station after departure from the OCONUS location from which deferred travel could not be taken) to an authorized location. The cost limitation for travel from this new permanent duty station and return is the cost from the permanent duty station from which deferred travel could not be taken to the home of record and return. The cost limitations are established in the JTR. Note: The additional deferment based solely on duty performed in connection with a contingency operation is a one-time additional authority and cannot be further extended. **If members do not qualify for an extension based on duty in connection with a contingency operation, they may submit a DD Form 149. See AFI 36- 2603. Member's application must establishes an error or injustice by the Air Force prevented the member from using the authority within the**

specified time frame.

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 not the victim of an error or injustice. According to AFI 36-2603, Paragraph 6.3.3. *Exception to End of Tour Limitation*, if members do not qualify for an extension based on a contingency operation, then they may submit a DD Form 149; however, the application should establish an error or injustice by the Air Force prevented the applicant from using the entitlement within the specified time frame. The Board notes the Exceptional Family Member Program (EFMP) is available to assist service members with their dependents that have special needs and as part of the program, service members can relocate in order to obtain the required care and treatment needed for their family members. While the applicant’s need to relocate might be unfortunate and the Board empathizes with his situation, this in and of itself does not constitute an error or injustice that prevented the applicant from utilizing his COT entitlement. Furthermore, the Board considered the applicant’s contentions regarding the high operations tempo may have prevented the applicant from using his COT; however, he did not provide any evidence that shows he attempted to utilize his COT leave or his COT leave was denied due to mission requirements. As such, in accordance with AFI 36-3003, paragraph 6.2. “members have until the end of their new tour to use the COT leave travel and transportation allowances, otherwise the authority expires.” Therefore, the Board recommends against correcting the applicant’s records.

RECOMMENDATION

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

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-2022-00809 in Executive Session on 9 Jan 24:

-  Panel Chair
-  Panel Member
-  Panel Member

All members voted against correcting the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 8 Mar 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Notification of Advisory, SAF/MRBC to Applicant, dated 14 Nov 23.

CUI//SP-MIL/SP-PRVCY

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.

2/29/2024



Work-Product

AFBCMR Docket Number BC-2022-00809

CUI//SP-MIL/SP-PRVCY