

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2022-01030

XXXXXXXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

### APPLICANT'S REQUEST

To be paid for thirty-nine (39) days of unused accrued leave.

### APPLICANT'S CONTENTIONS

He separated from active duty and transferred to the Air Force Reserve with an outstanding leave balance of 39 days. He believes that he should be paid for the 39 days of unused leave.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a currently serving Air Force Reserve staff sergeant (E-5).

On 29 September 2021, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant was honorably released from active duty in the grade of E-5 and transferred to the Air Force Reserve. He was credited with 4 years, 1 month and 29 days of total active service. His narrative reason for separation is "Intradepartmental Transfer."

AF IMT 100, *Request and Authorization for Separation*, reflects the applicant was separated under the Palace Chase Program.

On 25 September 2021, according to a Leave Web printout, provided by the applicant, he had a current leave balance of 39 days.

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. Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice. The applicant separated under the Fiscal Year 2021 Voluntary Force Management Expanded Palace Chase Program with a DOS of 29 September 2021. He had a leave balance at separation of 39 days; however, is stating there was no action taken to initiate leave sell-back and should have been paid for his leave upon separation.

In accordance with AFI 36-3003, *Military Leave Program*, Regular Air Force (RegAF) members separating under Palace Chase may carry over leave earned during an active duty tour for use during a future active duty tour. In these cases, members would print out their last LES showing how many days of leave they had prior to separating from the RegAF. Then, they would take that LES with them to their ANG/AFR Finance Office and they would contact the Defense

Finance and Accounting Service (DFAS) to get the member's leave transferred over. However, the applicant requested to sell his leave days

In accordance with DoD Financial Management Regulation, Volume 7A, Chapter 35, paragraph 2.0, a member who is discharged or separated under honorable conditions is entitled to payment of unused accrued leave unless the member continues on active duty under conditions that require accrued leave to be carried forward, or in the case of a Reserve Component member, the member elects to have the leave carried forward to the member's next period of active service. A service member is entitled to receive payment for no more than 60 days of accrued leave during a military career. Payments for unused accrued leave made before that date will be excluded from this 60-day limitation. A service member eligible for an unused accrued leave settlement is authorized an election with regard to payment or carryover of the leave. The member may elect to receive payment for a portion of the unused leave, not to exceed a career total of 60 days, and to have the remaining accrued leave carried forward to a new or extended enlistment. The total of paid and carried forward leave may exceed 60 days.

The applicant's LES in the Defense Joint Military Pay System (DJMS) shows he had 39 days of leave as of September 2021. However, they cannot verify if the applicant was paid as this process is handled by DFAS. Furthermore, they are not able to verify his Military Master Pay Account as the applicant has separated; however, he provided the last three LES within DJMS as supporting documents. By law, members may receive accrued leave payment up to a maximum of 60 days during their military career. When a member sells leave, they receive one day of base pay for each day of leave sold. After verifying myPers, there was no indication the applicant contacted them regarding his leave prior to his DOS. After verifying the Case Management System, a case had not been initiated by the finance office on the leave sell-back. Either the applicant did not reach out to his servicing finance office prior to separation, or he did, and nothing was initiated. Bottom line, the applicant should be able to sell his leave or elect to carry it over.

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 23 June 2022 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 APPLICANT be corrected to show he was authorized payment for thirty-nine (39) days of lost leave based on his eligible entitlements on the day of his 29 September 2021 discharge from active duty.

## 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-2022-01030 in Executive Session on 18 August 2022:

, 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 23 March 2022.  
Exhibit B: Documentary evidence, including relevant excerpts from official records.  
Exhibit C: Advisory opinion, AFPC/DP2SSM, dated 22 June 2022.  
Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 23 June 2022.

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.

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Board Operations Manager, AFBCMR