

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2022-02079

XXXXXXXXXXXXXXXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** YES

### APPLICANT'S REQUEST

1. He was in duty status code (DSC) 14 (Not Present for Duty-Other) for the period 23 Jul 21 to 7 Aug 21.
2. Sixteen (16) days of leave be restored.
3. His entitlement for consecutive overseas tour (COT) leave and travel be restored.

### APPLICANT'S CONTENTIONS

While enroute on his COT permanent change of station (PCS) assignment from Soto AB, Honduras to Aviano AB, Italy, his spouse's passport and visa application were lost by the Italian Embassy and had to be resubmitted. Due to COVID-19, processing was delayed and he and his family were directed to remain in place. The reason for his delay to his next duty station was beyond his control. The delay resulted in a loss of 16 days of leave and his COT leave entitlement.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a captain (O-3) in the Air Force.

AF Form 899, *Request and Authorization for Permanent Change of Station-Military*, Special Order XXXX dated 15 Mar 21, shows the applicant was placed on PCS orders from Soto Cano AB to Aviano AB with report not later than date (RNLTD) 30 Jul 21. Block 22, *Remarks*, Item 22, states he was authorized to defer COT travel to home of record (HOR). Item 26 states he was approved for circuitous/indirect travel.

AF Form 973, *Request and Authorization for Change of Administrative Orders*, Special Order AO-XXXX dated 4 Jun 21, amended his PCS orders to approve circuitous/indirect travel from Honduras, to Montgomery, AL (for squadron office school attendance) to Portland, ME to John F. Kennedy Airport, New York to Venice, Italy.

He provides a memorandum of support from his squadron commander (SQ/CC) dated 6 Jun 22 for DSC 14 and restoration of leave. The memorandum provides a chronology of events and states he was authorized circuitous travel from 17 Jul 21 to 23 Jul 21, which permitted him to retain his COT entitlement. The applicant's extended leave dates due to the Italian Embassy losing the visa was 23 Jul 21 to 7 Aug 21. The applicant should be placed in DSC 14 for the period 23 Jul 21 to 7 Aug 21. The applicant also lost his COT entitlement due to the leave charged. His leave and COT entitlement should be restored.

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 approval. The applicant should have been placed in DSC 14 to prevent him from losing 16 days of leave. Due to the erroneous 16 days of lost leave while the applicant's dependent's passport and visa application were delayed, the applicant lost his COT entitlement.

In accordance with AFI 36-3003, *Military Leave Program*, paragraph 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 the 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. The leave taken is ordinary leave.

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 3 Oct 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. The Board notes the applicant's spouse's passport and visa application were lost due to no fault of his own and he was directed to remain in-place for the issuance of the passport and visa. Accordingly, the Board does not find it in the interest of justice for the applicant to be charged leave for the period, which resulted in the loss of his COT leave entitlement. Therefore, the Board recommends correcting the applicant's records as indicated below.
4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

## **RECOMMENDATION**

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show:

- a. Sixteen (16) days of leave be restored.
- b. His COT leave and travel entitlement per AF Form 899, *Request and Authorization for Permanent Change of Station*, Special Order XXXXX, dated 15 Mar 21 be restored.
- c. His military personnel flight (MPF) generate DD Form 1610, *Request and Authorization for TDY Travel of DOD Personnel*, to initiate travel.

## **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-2022-02079 in Executive Session on 16 Mar 23:

, 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 14 Jun 22.  
Exhibit B: Documentary evidence, including relevant excerpts from official records.  
Exhibit C: Advisory opinion, AFPC/DP2SSM, dated 30 Sep 22.  
Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 3 Oct 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.