

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-00412

XXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

Twenty-four and a half (24.5) days of leave be restored to his current leave balance.

APPLICANT'S CONTENTIONS

Between 9 July 2021 and 6 October 2022, he was unable to take leave due to consecutive Professional Military Education (PME)/Temporary Duty (TDY) requirements to include Air War College (AWC), Pre-Command Training, and Pilot Instructor Training. AWC authorizes up to two weeks of leave for Christmas. However, he was unable to take leave during this period to meet course work requirements.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving Air Force colonel (O-6).

According to AF Form 899, *Request and Authorization for Permanent Change of Station (PCS) – Military*, the applicant was authorized a Permanent Change of Station with Permanent Change of Assignment XXX with a RNLTD of 15 July 2022. Concurrent travel was approved.

DD Form 1351-2, *Travel Voucher or Subvoucher*, indicates the applicant traveled from XXX on 29 May 2022 arriving in XXX on 1 June 2022.

DD Form 1351-2 indicates that the applicant traveled from XXX on 4 June 2022 arriving in XXX the same day. He departed XXX on 2 July 2022 and arrived in XXX the same day.

DD Form 1351-2 indicates that the applicant traveled from XXX on 2 July 2022 arriving in XXX on 4 July 2022. He departed Texas on 1 October 2022 and arrived in XXX on 2 October 2022.

DD Form 1351-2 indicates that the applicant traveled from XXX on 3 October 2022 arriving in XXX the same day. He departed Texas on 6 October 2022 and arrived in XXX on the same day.

On 1 February 2023, the applicant's commander signed a memorandum informing the Board the applicant was unable to take leave during FY 22 due to deliberate Air Force Training, which resulted in losing 24.5 days of leave.

According to the applicant's Master Military Pay Account (MMPA), he lost 24.5 days of leave for the Fiscal Year 2022 (FY22).

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

APPLICABLE AUTHORITY/GUIDANCE

Title 10, United States Code, Section 701: *Entitlement and accumulation*; Title 10, U.S.C. § 1552: *Correction of military records: claims incident thereto*; Department of the Air Force (DAFI) 36-3003, *Military Leave Program*; AFI 36-2603, *Air Force Board for Correction of Military Records*; Total Force Military Leave Program Personnel Services Delivery Guide.

Special Leave Accrual (SLA) allows members in qualifying duties to accumulate leave in excess of 60 days. SLA should be a result of the member's inability to take leave or to reduce their leave balance to 60 days before the end of the fiscal year while being assigned to said duties. SLA shall not be used as a means to authorize the accumulation of leave in excess of 60 days that is a result of members' failure to properly manage their leave balance.

Members not eligible for SLA can request recovery of days lost by submitting a DD Form 149, *Application for Correction of Military Records*, and must clearly establish that an error or injustice by the Air Force that caused their lost leave.

AIR FORCE EVALUATION

AFPC/DPMSSM 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. On 1 October 2022, the applicant lost 24.5 days of leave. The applicant used a total of 11 days of leave in FY22; however, due to consecutive PME/TDY to include AWC, the applicant was unable to reduce leave his balance to 60 days or less.

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 31 March 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/DPMSSM and finds a preponderance of the evidence substantiates the applicant's contentions. 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 that twenty-four and a half (24.5) days of leave be added to his leave account commencing 2 October 2023.

CERTIFICATION

The following quorum of the Board, as defined in DAFI 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2023-00412 in Executive Session on 4 May 2023:

, Chair, AFBCMR
, 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 1 February 2023.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory opinion, AFPC/DPMSSM, dated 24 March 2023.
Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 31 March 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.

X

Board Operations Manager, AFBCMR