

RECORD OF PROCEEDINGS

IN THE MATTER OF:

XXXXXXXXXXXXXXXXXX

DOCKET NUMBER: BC-2023-00806

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Eighteen (18) days of lost leave be restored.

APPLICANT'S CONTENTIONS

She was deployed from Jun 20 to Jun 21 and was unable to take a mid-tour due to COVID-19 restrictions. Upon return from deployment, she went on a temporary duty (TDY) assignment to her new unit and then was reassigned on a permanent change of station (PCS) assignment. She used leave in May through Sep but was unable to take 21 days of leave due to her position and impact on the wing due to the transition to the Defense Health Agency (DHA) and a new electronic health record. She communicated with her finance office and was told she would only lose three days of leave; however, the special leave accrual (SLA) policy changed and her leave did not automatically carryover.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a colonel (O-6) in the Air Force.

The applicant served on a one-year PCS assignment at Al Udeid AB, Qatar from 25 Jun 20 to 14 Jun 21.

She was reassigned PCS to her current unit effective 31 Mar 22.

The applicant provides a letter of support from her wing commander (WG/CC) dated 14 Feb 23. It states she deployed from Jun 20 to Jun 21 and was unable to take a mid-tour due to COVID-19 restrictions. Upon her return, she was in a TDY status to her new unit to assume command and then returned to her home station for surgery. She was reassigned on a PCS assignment in Mar 22.

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

APPLICABLE AUTHORITY/GUIDANCE

Department of the Air Force Instruction (DAFI) 36-3003, *Military Leave Program*, Paragraph 5.2. SLA Eligibility. Paragraph 5.2.1. Leave in Excess of 60 Days at the End of the Fiscal Year. SLA allows members assigned to hostile fire/imminent danger pay areas for 120 consecutive days or more or members not serving in a hostile fire or imminent danger area, but who are assigned to

qualifying duties, as designated by SAF/MR, to accumulate leave in excess of 60 days. Furthermore, it should be a result of the members' 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 activities. In assessing whether or not a member has exhausted all means to reduce their leave balance to 60 days before the end of the fiscal year, commanders should assess the entire fiscal year, including the time prior to and after the deployment.

Paragraph 5.9. Members not eligible for SLA for the reasons listed can request recovery of days lost by submitting a DD Form 149, *Application for Correction of Military Record*. If the Board restores leave to current leave account, members must use these days before the end of the current fiscal year.

AIR FORCE EVALUATION

AFPC/DPMSSM recommends denial. There is no error or injustice. The applicant does not meet eligibility requirements for SLA. The applicant states the reasons she was not able to take leave was due to COVID-19 and her position. These reasons are ineligible reasons for SLA per DAFI 36-3003, paragraph 5.8

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 May 23 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. While the Board notes the recommendation of AFPC/DPMSSM against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant's contentions. Although the restoration of the applicant's lost leave does not meet criteria for SLA, the Board notes the applicant was unable to take leave due to reasons, to include one year deployment, COVID-19 restrictions, TDY, PCS and mission reasons, which were beyond her control. Accordingly, the Board recommends the applicant's lost leave be restored. 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 18 days of leave be restored through 30 Sep 24.

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-2023-00806 in Executive Session on 6 Jul 23:

, 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 14 Feb 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPMSSM, w/atchs, dated 19 Apr 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 3 May 23.

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