



CUI//SP-MIL/SP-PRVCY

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-00855

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

1. Twelve (12) days of lost leave be restored or she be paid for 12 days of leave.
2. Headquarters Air Force (HAF) reinstate leave policy to enable those who deploy for one year to automatically carry over leave to the next fiscal year.

APPLICANT'S CONTENTIONS

She was deployed for more than 300 days and was also on temporary duty (TDY) enroute and worked two jobs for six and a half days per week for 10 months. She was unable to exhaust her leave due to military requirements. From mid-Jul to Oct, she was required to attend nuclear training and had major command (MAJCOM) requirements during the first 90 days of command. Her special leave accrual (SLA) case was denied twice by the Air Force Personnel Center (AFPC).

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

The applicant provides contingency exercise deployment (CED) orders and travel voucher showing she was deployed to Al Udeid AB, Qatar from 1 Aug 21 to 9 Aug 22.

In a memorandum dated 5 Dec 22, the applicant requested SLA for restoration of 12 days of leave lost on 1 Oct 22. She stated she deployed with 60 days of leave on the books. While at the United States Air Force Academy (USAFA) she was unable to take leave as a group commander during COVID-19. Further, due to mission requirements, back to back deployments, TDYs and permanent change of station (PCS) she was unable to take leave. The SLA request was endorsed by the vice wing commander (WG/CV) and the finance office.

In an email dated 22 Feb 23, her force support squadron (FSS) informed her AFPC was standing firm on the denial of her SLA request. It was recommended the applicant submit an AFBCMR application for restoration of the lost leave.

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

**AFBCMR Docket Number BC-2023-00855
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Controlled by: SAF/MRB
CUI Categories: SP-MIL/SP-PRVCY
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

APPLICABLE AUTHORITY/GUIDANCE

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 (FY), commanders should assess the entire fiscal year, including the time prior to and after the deployment.

Paragraph 5.2.2. Members who serve on active duty while entitled to hostile fire/imminent danger pay for a continuous period of at least 120 days and members serving in a “qualifying duty” as designated by SAF/MR are authorized to retain such leave (not to exceed 120 days) until the end of the third fiscal year following the fiscal year in which SLA was lost.

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 FY.

AIR FORCE EVALUATION

AFPC/DPMSSM recommends denial. Although the applicant met some eligibility requirements for SLA, she annotated the reasons for justification as not being able to take leave, PCS, TDYs and workload after return from deployment. These reasons are ineligible reasons for SLA in accordance with 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 4 May 23 for comment (Exhibit D) but has received no response.

The applicant’s complete response is at Exhibit E.

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. The Board concurs with the rationale and recommendation of AFPC/DPMSSM and finds a preponderance of the evidence does not substantiate the applicant’s contentions. The Board notes the applicant’s circumstances do not qualify for SLA. Moreover, the applicant has provided no evidence of an injustice or error. Therefore, the Board recommends against correcting the applicant’s records.

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 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-2023-00855 in Executive Session on 15 Jun 23:

<i>Work-Product</i>	Panel Chair
<i>Work-Product</i>	Panel Member
<i>Work-Product</i>	Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 17 Mar 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFPC/DPMSSM, dated 20 Apr 23.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 4 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.

6/27/2023

Work-Product

Board Operations Manager, AFBCMR

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