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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-00958

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COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

Eighteen (18) days of lost leave be restored.

APPLICANT'S CONTENTIONS

On 30 Nov 19, she ended an active component statutory tour and was immediately placed on a military personnel appropriation (MPA) tour on 1 Dec 19. There was not a break in service and she remained on the active component pay system until 30 Sep 20. She requested her leave balance of 60.5 days carryover and transfer to her future tour. However, her request was not fulfilled. Instead, the maximum of 42.5 days of leave was sold due to 17.5 days of leave she previously sold on a prior tour (maximum of 60 days allowed) and 18 days of leave was lost. She requests the 18 days of lost leave be restored to her current Active Guard Reserve (AGR) tour.

It was clear her intent was to transfer accrued leave, which is authorized per ANG policy. An attempt to extend the MPA tour to preclude a break in service failed because of COVID-19 protocols which placed her in a medical hold status as a quarantining parent. Thus, the 30 Sep 20 separation was auto-generated resulting in a separation from active service and the lost leave. The lost leave was beyond her control.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

Per the applicant's DD Form 214, *Certificate of Release or Discharge from Active Duty*, she served a period of active duty from 12 Mar 15 to 30 Nov 19 and was honorably released from active duty with a narrative reason for separation of Miscellaneous-General Reasons.

The applicant's MPA Order dated 13 Dec 19, reflects she was placed on an MPA tour effective 1 Dec 19 to 30 Sep 20.

The applicant's MPA Order dated 30 Apr 21 reflects she was placed on an MPA tour effective 5 Oct 20 to 30 Apr 21.

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Controlled by: SAF/MRB

CUI Categories: Work-Product

Limited Dissemination Control: N/A

POC: SAF.MRBC.Workflow@us.af.mil

The applicant provides a letter of support from her finance office dated 14 Nov 22 for restoration of 18 days of leave.

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

APPLICABLE AUTHORITY/GUIDANCE

DAFI 36-3003, *Military Leave Program* Paragraph 5.9, Members not eligible for special leave accrual (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

NGB/A1PS recommends approval. Per DAFI 36-3003, members must settle all leave accounts prior to transferring. In the applicant's case, no AF Form 1089, *Leave Settlement Option*, was executed by the applicant prior to 7 May 21. However, there is no evidence the applicant was notified or given the opportunity to assert her intent prior to the leave being sold and lost by default. The applicant clearly states her intent to carry over the leave in all correspondence.

The applicant's leave and earnings statement (LES) for 1 to 30 Sep 20 reflects the leave balance earned and sold. The email thread beginning 24 Mar 21 discusses the recoupment of leave between the finance office and the applicant. On 29 Apr 21, the applicant was advised the AF Form 1089 was not filled out and signed by the applicant. The finance office then asked if it was the applicant's request to sell back the 17.5 days of leave and on 7 May 21, the applicant responded she did not want to sell 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 12 Jun 23 for comment (Exhibit D). In a response dated 12 Jul 23, she acknowledges that the 42.5 days of leave sold back cannot be restored. However, she asks for the remaining leave be reinstated as this was leave she earned while on active duty. The circumstances that led to the cash out of her leave were exacerbated by her child being quarantined according to the early and strict 2020 DOD COVID policies. The result was an inability for her to perform a back to back tour, loss of leave earned and a forced selling of accrued leave.

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 the victim of an error or injustice. The Board concurs with the rationale and recommendation of NGB/A1PS and finds a preponderance of the evidence substantiates the applicant's contentions. In this respect, the Board finds the 18 days of lost leave were beyond the applicant's control. 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 18 days of leave be restored through 30 Sep 26.

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-2023-00958 in Executive Session on 15 Aug 23:

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Work-Product Panel Member
Work-Product Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 4 Apr 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, NGB/A1PS, dated 30 May 23.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 12 Jun 23.
- Exhibit E: Applicant's response, w/atchs, dated 12 Jul 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.

3/28/2025

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Board Operations Manager, AFBCMR

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