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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-03233

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COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

Twenty-six and a half (26.5) days of leave be restored to her leave account.

APPLICANT'S CONTENTIONS

While attending formal Undergraduate Pilot Training (UPT) with a report not later than date (RNLTD) of 26 September 2022 she was placed into student status which prevented her from taking leave prior to the start of UPT. She was in formal UPT from 1 November 2022 through 6 October 2023.

In support of the applicant's appeal, she provided a letter from her commander indicating the applicant was attending formal UPT that prohibited her from taking leave during FY23. A formal military training is not a qualifying situation for SLA as outlined in DAFI 36-3003, *Military Leave Program*, and all other avenues were explored for ways to mitigate her losing the leave she earned during the year. The short notification of the permanent change of station (PCS), multiple temporary duty's (TDYs) before departing her current duty station, and a leave balance exceeding 80 days in 2022 from not taking leave during COVID while working in the healthcare field left her unable to exhaust the leave balance.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving Air Force captain (O-3).

AF Form 899, *Request and Authorization for Permanent Change of Station – Military*, dated 31 May 2022, shows the applicant proceeded on a permanent change of station (PCS) with a permanent change of assignment (PCA); Report to Commander, New Assignment: NLT than 26 September 2022; Unit, major command and address of unit from which relieved: *Attor...* Unit, major command and address of unit to be assigned:

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.

AFBCMR Docket Number BC-2023-03233

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Controlled by: SAF/MRB

CUI Categories: Work-Product

Limited Dissemination Control: N/A

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

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. The applicant's Military Personnel Flight (MPF) should have informed her that she would likely lose leave due to her extension being in a different fiscal year and having a use/lose balance that needed to be exhausted before 1 October 2023.

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 7 June 2024 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 twenty-six and a half (26.5) days of leave be added to her current leave balance.

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-2023-03233 in Executive Session on 24 September 2024:

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, Panel Chair

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, Panel Member

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, Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 29 September 2023.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFPC/DPMSSM, dated 3 June 2024.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 7 June 2024.

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.

2/10/2025

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Board Operations Manager, AFBCMR

Signed by: Work-Product