



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-2023-03640

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT’S REQUEST

Fifteen (15) days of leave be restored to his current leave balance.

APPLICANT’S CONTENTIONS

He participated in a formal training event from 18 October 2021 to 14 April 2023. Access to taking leave was restricted for all students in training status. This restriction resulted in an excess leave balance of 15 days at the end of Fiscal Year 2022 (FY22).

The applicant’s complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving Air Force master sergeant (E-7).

The applicant provided the following documents:

A Defense Finance and Accounting Service (DFAS) Center leave data record shows the applicant lost 15 days of leave during the contested time period.

A letter from his commander, dated 13 October 2023, indicating from 18 October 2021 until 19 July 2023 (640 days total), the applicant was enrolled in an Air Force formalized Chinese Language Analyst Virtual Retraining course. He was not authorized nor permitted to request leave during this course. As a result, his balance of 75 days exceeded the maximum allowable number of days to be carried over into the next fiscal year on 30 September 2022. The applicant lost 15 days of leave on 1 October 2022.

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

AIR FORCE EVALUATION

AFPC/DPMSSM recommends granting the application. The applicant’s unit commander validates the applicant’s claim he was enrolled in an Air Force formalized Chinese Language Analyst Virtual Retraining course from 18 October 2021 to 19 July 2023. Additionally, the DFAS printout provided by the applicant reflects he lost 15 days of leave during FY22.

Based on the documentation provided by the applicant and analysis of the facts, there is sufficient evidence of an error or injustice. The applicant is not eligible for leave restoration under Special Leave Accrual (SLA) rules. Per DAFI 36-3003, paragraph 5.2, “SLA allows members assigned

**AFBCMR Docket Number BC-2023-03640
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POC: SAF.MRBC.Workflow@us.af.mil

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 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." There was no indication or evidence the applicant met any of the conditions outlined in the DAFI for SLA.

However, members not eligible for SLA, can request recovery of days lost by submitting a DD Form 149. See AFI 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. Applications must clearly establish an error or injustice by the Air Force caused the member's lost leave. The member's leave record substantiates he did not take leave for the duration of the training course. The commander's memorandum provided by the applicant validates the member was unable to take leave while in attendance of an official Air Force training requirement. Therefore, it can be reasonably concluded there was an error or injustice

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 27 December 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.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show fifteen (15) days of leave be added to his 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-2023-03640 in Executive Session on 9 April 2024:

 , Panel Chair
 , Panel Member
 , Panel Member

CUI//SP-MIL/SP-PRVCY

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 6 November 2023.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFPC/DPMSSM, dated 15 December 2023.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 27 December 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.

6/3/2024

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Attorney-...

Work-Product

Board Operations Manager, AFBCMR

Signed by: *Work-Product*