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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-00240

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

### APPLICANT'S REQUEST

Fourteen and a half (14.5) days of leave be restored to his current leave balance.

### APPLICANT'S CONTENTIONS

He transferred to the Air Force from the Marine Corps on 18 May 2020 and requested to sell 26 of his 36 days of leave. He later learned he was not authorized to sell 26 days of leave. He worked with both the Military Personnel Flight and finance to transfer his leave. He was enrolled in the U-2 Basic and Mission Qualification Courses from September 2021 until April 2022 and was not able to use leave. Upon completion he was tasked with a short-notice deployment that departed 14 June 2022 (expected deployment was not until August). Due to this change, he was not able to use 10 days of planned leave in July. His leave was finally restored in July 2022 which resulted in 23.5 days of use or lose. He returned from deployment in August 2022. He was able to take nine days of leave before the end of September.

In support of the applicant's appeal, he provided a statement from the Commander, Work-Pro...  
Work-Product Squadron, indicating he concurred with the applicant's request. He provided a statement from the NCOIC, Customer Support indicating the applicant meets the minimum eligibility criteria for Special Leave Accrual (SLA) and was at an SLA qualifying location from 14 June 2022 thru 14 August 2022. He provided a statement from his deputy commander stating he certifies the applicant lost 14.5 leave days, which was validated via the Master Military Pay Account (MMPA); and he provided a statement from the Commander, 9th Reconnaissance Wing, indicating he approved the leave restoration under the provisions of SLA.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a currently serving Air Force lieutenant colonel (O-5).

On 23 May 2008, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant entered the United States Marine Corps.

On 17 May 2020, according to DD Form 214, the applicant was honorably discharged in the grade of major. He served 11 years, 11 months and 25 days total active service and credited with 11 months and 22 days of Foreign Service and 9 months and 25 days of Sea Service. His narrative reason for separation reflects "Interdepartmental Transfer."

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On 18 May 2020, according to AF Form 133, *Oath of Office (Military Personnel)*, the applicant was appointed to the grade of major in the United States Air Force.

Special Order [Work-Product] provided by the applicant reflects the following: Purpose: Participate in Operation: Data Masked; Proceed O/A: 4 June 2022; From: [Work-Product]; To: [Work-Product], [Work-Product]; Return to [Work-Product]; Temporary Duty (TDY) length: 70.

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.

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 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 sufficient evidence of an error or injustice. It took over a year for the applicant's leave to transfer, after it was transferred the applicant was in training and then was tasked for a short notice deployment which did not allow him time to exhaust the leave before the end of Fiscal Year 2022 (FY22).

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 6 August 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.

## RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show fourteen and a half (14.5) 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-2024-00240 in Executive Session on 8 October 2024:

Work-Product, Panel Chair

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 16 January 2024.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory opinion, AFPC/DPMSSM, dated 1 August 2024.

Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 6 August 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.

12/16/2024

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Board Operations Manager, AFBCMR

Signed by: Work-Product