

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 November 2024

DOCKET NUMBER: AR20230008696

APPLICANT REQUESTS:

- Correction to the number of his accrued leave days
- Payment of his accrued leave days
- Personal appearance before the Board via video/telephone

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- DA Form 31 (Request and Authority for Leave)
- Memorandum Career Skills Program (CSP) Selection
- Soldier Participation Memorandum Army CSP
- Email Voided Leave Form

FACTS:

1. The applicant states he is asking for his leave days be corrected and to be paid for his remaining leave. He was in an authorized CSP and was charged leave during it. He was not able to sell his remaining 13.5 days of leave. According to regulation, time in a CSP (Career Skills Program) is non-chargeable leave and he should not have been charged leave from 9 January through 30 March 2023.

2. The applicant provides the following documents:

a. DA Form 31 (Request and Authority for Leave), 10 August 2021, shows the type of absence as non-chargeable for CSP. The nonchargeable absence requested was from 12 December 2022 through 31 March 2023 for a period of 110 days. His supervisor recommended approval and the approval authority approved the leave.

b. Memorandum CSP Selection, 10 October 2022, shows the applicant was accepted into the CSP. He would start the CSP on 9 January 2023 and would complete it on 30 March 2023. He would take leave from 18 October 2022 through 8 January 2023. His expiration term of service was 31 March 2023.

c. Soldier Participation Memorandum Army CSP shows he was attending a CSP starting on 9 January 2023 and ending on 30 March 2023. His battalion commander approved his participation in the CSP. In accordance with Army Regulation 600-8-10 (Leave and Passes) the first O-6 commander in the Soldier's chain of command has the authority to approve up to 60 days administrative absence to attend an approved CSP.

d. Email chain regarding a voided leave form, which states, in pertinent part, an actual leave form authorizing non-chargeable leave to go into CSP is non-negotiable. They could not calculate or release the applicant's last active duty pay without a completed form. An email from a military pay technician, 14 April 2023, states she found some discrepancies in the leave forms sent to her. He submitted a terminal leave form in January, during clearing. However, he sent another leave form for the same dates stating they were his CSP dates. Typically, CSP should end well before terminal leave start dates or dates of separation to allow for clearing. His CSP leave form has 12 December 2022 to 31 March 2023, but the applicant states his dates for CSP was from 9 January 2023 to 30 March 2023. The military pay technician was trying to understand why two different types of leave forms were approved for the exact same dates and why the CSP leave form is just now being sent (two weeks after his date of separation). He can only be on one leave status at a time. She did not allow the transaction cancelling his leave go through.

3. The applicant's service record contains the following documents:

a. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) shows he enlisted in the Regular Army on 28 May 2002. He remained in the Regular Army through immediate reenlistments.

b. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he was honorably retired on 31 March 2023 for sufficient service for retirement. Block 16 (Days Accrued Leave Paid) is "0".

c. The applicant's service record is void of DA Forms 31 (Request and Authority for Leave) or information showing he attended a CSP.

4. On 24 April 2024, the Program Analyst, Compensation and Entitlements Division, The Deputy Chief of Staff G-1, provided an advisory opinion, which states the Army G-1 recommends the Board disapprove the applicant's request and payment of 13.5 days annual leave on retirement from the U. S. Army. The applicant's request does not include an annual leave form for the period of 18 October 2022 through 8 January 2023, as the unit states. The only leave form in the packet is for 12 December 2022 through 31 March 2023 as non-chargeable, which does not align with the Army CSP dates of 9 January 2023 through 30 March 2023. He has not provided an accurate accountability

of the chargeable and non-chargeable leave; therefore, G-1 is unable to determine what record is to be corrected.

5. On 10 May 2024, the advisory opinion was provided to the applicant to allow him the opportunity to respond. He did not respond.

6. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant contends his leave days should be corrected and he should be paid for his remaining leave. He states he was in an authorized Career Skills Program (CSP) and was charged leave during this program it, and that time in a CSP is non-chargeable leave and he should not have been charged leave from 9 January through 30 March 2023. The Board reviewed and agreed with the Army G-1 advisory official's determination that the applicant's request does not include an annual leave form for the period of 18 October 2022, through 8 January 2023. The only leave form in the packet is for 12 December 2022 through 31 March 2023, as non-chargeable, which does not align with the Army Career Skills Program dates of 9 January 2023, through 30 March 2023. The Board also agreed that the applicant has not provided an accurate accountability of the chargeable and nonchargeable leave; and therefore, the Board is unable to determine what record is to be corrected. If the applicant can provide accurate documentation, he may resubmit his application to this Board for possible reconsideration.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

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I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Army Regulation 600-8-10 (Leaves and Passes) prescribes policies and operating tasks governing military personnel absences.

a. Leave accrual is based on law (see 10 USC 701). Soldiers accrue leave at the rate of 2.5 calendar days for each month of active duty service. Soldiers may accrue and carry forward up to 60 days leave at the end of each FY.

b. Temporary extensions allowed Soldiers to temporarily carry forward 75 days of leave from 1 October 2008 through 30 September 2015. However, accrued leave in excess of 60 days was lost at the start of subsequent FYs, beginning with 1 October

2015. Accrued leave exceeding 60 days is lost at the start of new FYs unless protected by SLA or when a Soldier is in a missing status

c. Chargeable leave is also known as annual leave, accrued leave, and ordinary leave. Soldiers are authorized to take an average of 30 days of chargeable leave a year; however, commanders may grant more or less, as operationally feasible.

d. By law, payment of accrued leave is limited to 60 days during a military career, unless earned in a missing status or under 2–4d (missing) and 2-4e (certain Reserve Component Soldiers on active duty in support of contingency operations).

2. Title 37, U.S. Code § 501 - Payments for unused accrued leave,

a. Sub-paragraph b(1), a member of the Army, who has accrued leave to the member's credit at the time of the member's discharge, is entitled to be paid in cash or by a check on the Treasurer of the United States for such leave on the basis of the basic pay to which the member was entitled on the date of discharge.

b. Payment may not be made under this subsection to a member who is discharged for the purpose of accepting an appointment or a warrant in any uniformed service.

3. Army Regulation 15-185 (Army Board for Correction of Military Records (ABCMR)) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR.

a. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.

b. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

c. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//