

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 December 2024

DOCKET NUMBER: AR20230009697

APPLICANT REQUESTS: entitlement to payment of 12 days Post Deployment Mobilization Respite Absence (PDMRA) Leave.

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

- DD Form 149 (Application for Correction of Military Record)
- Army Review Boards Agency (ARBA) letter, 29 June 2022
- Memorandum – Subject: Army Implementation Guidance for Payment of PDMRA Eligible Soldiers who Failed to Receive PDMRA Benefits Due to Government Error, 22 March 2013
- Memorandum – Subject: Update-Army Policy Guidance PDMRA for Payment of Benefits for Non-Participation of Eligible Soldiers in PDMRA due to Government Error, 3 April 2013
- DD Form 214 (Certificate of Release or Discharge from Active Duty)
- DA Form 1559 (Inspector General Action Request), 16 July 2021
- Email communication
- Miscellaneous (Unclassified) document, 3 February 2021
- Department of Defense Instruction (DoDI) Number 1327.06 (Leave and Liberty Policy and Procedures), 15 January 2021

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.

2. The applicant states in pertinent part, she was denied the opportunity to take her accrued leave days prior to being placed in the Wounded Warrior program following her return from a deployment to Kuwait. She notes that in her previously submitted case, the Department of the Army, Office of the Deputy Chief of Staff, G-1 advised to verify that she had not taken the PDMRA and if not to pay her for the days at a rate of \$200.00 per day. She contests that prior to receiving the response from the ABCMR, she was advised by her Congressional representative that the Army National Guard

(ARNG) was not going to act on her request and instead, referred her back to the ABCMR. She sought the assistance of her military pay specialist who submitted an inquiry to the Defense Finance and Accounting Service (DFAS). DFAS advised her that she was not entitled to PDMRA because she failed to request it prior to being deployed.

3. A review of the applicant's available service records reflects the following:

a. On 11 August 1993, the applicant enlisted in the ARNG to serve as a 71L (Administrative Specialist) for 6 years. The applicant reenlisted/extended several times with her most recent extension being for 6 years effective 21 August 2018, resulting in a 10 August 2025 expiration term service date.

b. On 25 May 2007, the ARNG issued Orders Number 145-907 announcing the applicant's promotion to the rank/grade of master sergeant (MSG)/E-8.

c. On 31 August 2017, the ARNG issued Orders Number 29-243-0091 ordering the applicant to active duty in support of Operation Enduring Freedom for 400 days, effective 1 October 2017. Item (u.) provides that "Reserve Component Soldiers must return to demobilization site to be released from active duty (REFRAD) no later than 39 days prior to end of Mobilization/Activation/Temporary Change of Station (TCS) Orders in order to out process and take authorized leave."

d. On 17 October 2018, the applicant was honorably released from active duty and returned to her ARNG unit.

e. On 26 June 2019, the ARNG issued Orders Number 29-177-1116 ordering the applicant to active duty in support of Operation Enduring Freedom for 400 days, effective 18 August 2019. Item (u.) provides that "Reserve Component Soldiers must return to demobilization site to be REFRAD no later than 39 days prior to end of mobilization/Activation/TCS Orders in order to out process and take authorized leave."

f. On 4 January 2021, the applicant was honorably released from active duty and returned to her ARNG unit.

g. On 24 January 2024, a DD Form 215 (Correction to DD Form 214, Certificate of Release or Discharge from Active Duty) was issued correcting the DD Form 214 for the period ending on 4 January 2021 to reflect an end date of 16 April 2021.

4. The applicant provides the following:

a. ARBA letter, dated 29 June 2022, reflective of the applicant being advised that her submitted request for payment of 12 days PDMRA did not require a records correction and not authorized under policy. The Office of the Deputy Chief of Staff, G-1 recommended that the applicant exhaust all administrative remedies through the

[REDACTED] to include submitting the documents attached to her application. The [REDACTED] ARNG should validate the PDMRA and confirm if she did not use those days and if not, the only available option would be to pay the \$200.00 per PDMRA, provided the authority had not expired.

b. Memorandum – Subject: Army Implementation Guidance for Payment of PDMRA Eligible Soldiers who Failed to Receive PDMRA Benefits Due to Government Error, dated 22 March 2013, reflective of information pertaining to payment of PDMRA. This memorandum implements Public Law (PL.) 112-239(H.R. 4310). The implementation guidance applies to qualifying current and former-Active Component (AC), United States Army Reserve (USAR) and ARNG. Soldiers who qualified for PDMRA days after implementation of the program on 19 January 2007, but due to a government error did not receive all PDMRA days authorized. Government error is defined as a "documented" miscalculation of the number of PDMRA days resulting from a mathematical, administrative, or eligibility determination mistake committed by a department, agency, organization or employee of the government. This document is further provided in its entirety for the Board members review within the supporting documents.

c. Memorandum – Subject: Update-Army Policy Guidance PDMRA for Payment of Benefits for Non-Participation of Eligible Soldiers in PDMRA due to Government Error, dated 3 April 2013, reflective of legislation authorizing a Soldier or former qualifying Soldier a cash payment of \$200.00 for each PDMRA day certified as a government error.

d. DA Form 1559 dated 16 July 2021, reflective of the applicant's submitted requested for IG assistance with obtaining payment for 12 days of PDMRA, medical orders from 5-31 January 2021, correction of DD Form 214 to reflect an end date of 17 April 2021 and 50.5 days (toward retirement points) for the accrued leave that she was not permitted to take.

e. Email communication pertaining to the applicant's request for IG assistance with obtaining payment of PDMRA. The applicant argues that she was not permitted the opportunity to take the 12 days of PDMRA. She was also advised that the National Guard Bureau (NGB) was not extending orders in order to allow Soldiers to take leave. The applicant notes that while participating in the demobilization process, she was placed on medical orders and returned home. She submitted her request to take accrued leave and PDMRA – both were denied. In result she sold her accrued leave days. On or about 21 September 2022, the applicant was redirected to this Board to request relief. On 20 April 2023, the applicant was advised that the provided ABCMR memorandum did not entitle her to sell her PDMRA days. Instead, it outlined that she would be entitled to sell her PDMRA "if" she was able to substantiate that a documented error occurred on behalf of the government. In absence of supporting documentation, the NGB position stands and payment of her PDMRA would remain as denied.

f. Miscellaneous (Unclassified) document dated 3 February 2021 reflective of information pertaining to issues ARNG Soldiers experience during the demobilization process when referred to Medical Retention Processing (MRP).

g. DoDI Number 1327.08 (Leave and Liberty Policy and Procedures), dated 15 January 2021, reflective of the established policy and procedures for leave, liberty (pass) and administrative absences. Enclosure 4 provides information pertaining to PDMRA. Paragraph 2e. (Election of Payment for PDMRA Days for Select Reserve Component members) provides that the election to receive Assignment Incentive Pay at a rate of \$200.00 per day of absence that otherwise would have been authorized, must be made by the Soldier prior to the PDMRA days being earned.

5. On 29 June 2022, Docket Number AR20210015606 the applicant was advised that her submitted request for payment of 12 days PDMRA did not require a records correction and was not authorized under policy. The Office of the Deputy Chief of Staff, G-1 recommended that the applicant exhaust all administrative remedies through the [REDACTED] ARNG to included submitting the documents attached to her application. The [REDACTED] ARNG should validate the PDMRA and confirm if she did not use those days and if not, the only available option would be to pay the \$200.00 per PDMRA, provided the authority had not expired.

6. On 21 November 2024, in the processing of this case, an opinion was received from the National Guard Bureau (NGB). The Chief, Special Actions Branch, recommended disapproval of the applicant's request for PDMRA.

a. The applicant was deployed to Kuwait from 18 August 2019 to 17 April 2021 and accrued 12 days of PDMRA. The applicant states she was unable to use the earned days because she was placed in a wounded warrior program and put on 12301(h) orders.

b. After review of the applicant's submission and records, it was determined the applicant was eligible for 12 days of PDMRA and was released from active duty and entered the wounded warrior program. PDMRA is not authorized in conjunction with 12301(h) orders and orders cannot be extended in order to use PDMRA days or leave. The authority to pay PDMRA that the applicant included in her application expired on 1 October 2014, prior to her earning the days.

c. It is the recommendation of the NGB the applicant's request be denied. She was not awarded the opportunity to use her days prior to being placed on 12301(h) orders and lost the benefit of PDMRA.

d. The [REDACTED] ARNG concluded the applicant's request be approved but provided no justification or regulatory guidance to substantiate that conclusion. Regulatory guidance provided by the [REDACTED] ARNG suggests the request be denied.

7. On 21 November 2024, the applicant was provided with a copy of the opinion for an opportunity to respond. She did not respond.

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 Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. The Board reviewed and concurred with the National Guard Bureau's advising official finding she accrued 12 days of PDMRA, yet entered the wounded warrior program and PDMRA is not authorized in conjunction with 12301(h) orders. The authority to pay her PDMRA days expired prior to her earning the days.

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.

3/25/2025

X

CHAIRPERSON

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. Title 10, USC, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. Department of Defense Financial Management Regulation (7000.14-R) Volume 7A, Chapter 15 (Special Pay – Assignment Incentive Pay) Section 1507 (Assignment incentive Pay in Lieu of PDMRA Program) provides the Secretary of Defense directed on 19 January 2007, that a program be established to recognize members who mobilize or deploy more frequently than established rotation policy goals. The PDMRA program was established to allow a member to earn days of administrative absence, not chargeable to the member's accrued leave account, dependent on the length of time the member deployed beyond the rotation policy goals. The program also allows members to receive monetary compensation in lieu of administrative absence days in certain situations.

a. Reserve component members who are also federal, state, or local government civilian employees and precluded by law from being paid by two entities for simultaneously serving in a Reserve component status and in their civilian government jobs may elect the payment of AIP instead of taking administrative absence.

b. The member must elect to receive the AIP instead of the PDMRA administrative absence days before the PDMRA days are earned. There is no option to cash in administrative absence days already earned. The AIP election must be made by the affected RC member prior to the days being earned.

c. Members electing to be paid the AIP will receive \$200.00 for each PDMRA day earned. Members are not authorized to be paid for any PDMRA days earned before an election is made.

//NOTHING FOLLOWS//