

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 March 2025

DOCKET NUMBER: AR20240006896

APPLICANT REQUESTS: in effect, to sell an additional 21.5 days of accrued leave.

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

- DD Form 149 (Application for Correction of Military Record)
- Leave and Earnings Statements (LES) covering the years 2002 to 2005, which indicate the applicant sold 21.5 days of leave
- DD Form 214 (Certificate of Release or Discharge from Active Duty) ending on 18 September 2002, which shows he entered active duty on 3 January 2001 and was released from active duty training and transferred to his U.S. Army Reserve (USAR) unit on 18 September 2002
- DD Form 214 ending on 10 June 2003, which shows he entered active duty in support of Operation Enduring Freedom on 10 February 2003 and was released from active duty and transferred to his USAR unit on 10 June 2003; item 16 (Days Accrued Leave Paid) shows 9 days
- DD Form 214 ending on 28 February 2005, which shows he entered active duty in support of Operation Iraqi Freedom on 7 December 2003 and was released from active duty and transferred to his USAR unit on 28 February 2005
- Enlisted Record Brief dated 23 November 2022, showing his personal and personnel data such as assignment information, military and civilian education, and awards and decorations
- DD Form 214 ending on 29 February 2024, which shows he was honorably retired by reason of sufficient service for retirement; item 16 shows he was paid for "38" days accrued leave

FACTS:

1. The applicant states:

- On or about 28 January 2024, at the time of retirement out-processing, he found out that his records indicated he had sold 21.5 days of leave
- During his active duty service, he did not sell leave
- He was in the USAR from 24 May 2001 to 21 September 2006 and he does not recall selling leave

- He looked through his LESs and none indicated a payment for leave
- The Fort Stewart finance manager Mrs. D_ S_ went through his DD Forms 214 and only found 9 days of leave sold, but there was not a payment associated with those leave days
- She found where the LES indicates 21.5 days of leave sold

2. A review of his service record shows:

- He enlisted in the USAR on 24 May 2001
- On 26 June 2001, Orders Number 115-9 ordered the applicant to Initial Active Duty for Training with a report date on 3 January 2002
- On 10 February 2003, he entered active duty in support of Operation Enduring Freedom
- On 10 June 2003, DD Form 214 shows he was released from active duty and was transferred to his USAR unit; item 16 shows he was paid for "9" days accrued leave
- On 7 December 2003, he entered active duty in support of Operation Iraqi Freedom
- On 28 February 2005, DD Form 214 shows he was released from active duty and transferred to his USAR unit
- On 21 September 2006, he enlisted in the Regular Army
- The applicant reenlisted on 9 December 2009, 23 January 2013, and 29 March 2016
- On 31 January 2024, Order Number 0007136897.00 assigned/placed the applicant on the Retired List, effective 1 March 2024
- On 29 February 2024, the applicant was honorably retired by reason of sufficient service for retirement; DD Form 214 item 16 shows he was paid for "38" days accrued leave

3. On 28 February 2025, the Office of the Deputy Chief of Staff G-1, Program Analyst Compensation and Entitlements Division provided an advisory opinion for this case and recommended approval. The G-1 advisory official states:

a. After careful review this office recommends that the Board approve the applicant's request for administrative relief.

b. DFAS was able to verify that the applicant's leave sold in 2002 was for a tour that should not be counted against the 60-day career leave sell due to the tour was less than 365 days. The applicant should have been allowed to sell an additional 21.5 days leave upon separation from the Army.

4. On 3 March 2025, the applicant was provided with a copy of the G-1 advisory opinion to allow for comments or rebuttal. He did not respond.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board found that relief was 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 noted the applicant's request is supported by verified financial records and a favorable advisory opinion from the G-1 Compensation and Entitlements Division. The leave sold in 2002 was improperly counted against the career cap, and the applicant was unjustly denied the opportunity to sell an additional 21.5 days of accrued leave at retirement.


BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:XX	:XX	:XX	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- showing the applicant timely submitted a request to sell his 21.5 days of leave
- showing the appropriate office timely received his request and authorized payment as a result of this correction



X //SIGNEED//

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 37, U.S. Code (USC), section 501 (Payments for Unused Accrued Leave) provides that a member of the Army, who has accrued leave to his credit at the time of his 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 he was entitled on the date of discharge.

2. Department of Defense Financial Management Regulation, Volume, 7A states. Paragraph 2.0 (Accrued Leave Pay) provides that a member who is discharged or separated under honorable conditions is entitled to payment of unused accrued leave unless the member continues on active duty under conditions that require accrued leave to be carried forward. In pertinent part:

a. Paragraph 2.1.1.2.1. states, generally, a Service member is entitled to receive payment for no more than 60 days of accrued leave during a military career. See subparagraph 2.1.1.4 (Exceptions to the 60-Day Career Leave Payment Limitation) for exceptions.

b. Paragraph 2.1.1.4.2. (Active Duty of 31 to 365 Days) states, the 60-day leave payment limitation does not apply to leave accrued by a member of a Reserve Component while serving on active duty, full-time National Guard duty, or active duty for training during a period of more than 30 days, but not in excess of 365 days, beginning on or after 1 October 2001.

//NOTHING FOLLOWS//