

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 August 2025

DOCKET NUMBER: AR20240012871

APPLICANT REQUESTS: reimbursement of \$6,953.30 previously recouped for excess leave taken.

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum – Subject: Indebtedness from Excess Leave Upon Retirement, 4 September 2024 – reflective of the applicant being advised of an out of service debt generated from excess leave that was miscalculated by his unit wherein they did not take into account the accrued leave in excess of 60 days that would be lost upon fiscal year cross over
 - as of September 2019, only 60 days were allowed to be carried over into the new fiscal year
 - in result of this change, he would have 20 days of excess leave
 - he did not realize that the fiscal year crossover would impact his leave balance upon retirement
 - the excess leave debt payment has already been recouped
- DA Form 2823 (Sworn Statement), 20 April 2020 – reflective of the applicant's account of events related to his excess leave (22 days) lost which resulted in a \$1,575.05 debt
 - of the 22 days of excess leave, he contests that 13 of them were utilized prior to October 2019
 - prior to his retirement date (31 December 2019) he accrued an additional 3 days of leave that he had to sell back, thereby reducing his excess leave balance
 - his submitted retirement packet which included two DA Forms 31 (Request and Authority for Leave) were reviewed by multiple persons responsible for ensuring the accuracy of the information contained within; no issues were noted prior to his departure
 - he only received payment for 12.4 days in December 2019; he was not paid for the remaining 18.6

- he has not received a copy of the collections letter
- DA Form 31, 21 September 2019 – reflective of the applicant’s submitted request to take 20 days of Permissive Temporary Duty (PTDY) or Excess Leave (16 September 2019 – 5 October 2019); he had accrued 87 days of ordinary leave at that time
- DA Form 31, 21 September 2019 – reflective of the applicant’s submitted request to take 87 days of ordinary leave from 6 October 2019 – 31 December 2019
- Orders Number C-05-905812, 8 May 2019 – reflective of the applicant being attached to West Point effective 16 September 2019 for separation processing
- Orders Number P-05-990060, 8 May 2019 – reflective of the applicant being retired from active duty on 31 December 2019
- DD Form 2789 (Waiver/Remission of Indebtedness Application), 9 April 2020 - reflective of the applicant’s submitted request for remission of his \$6,418.43 debt noting that \$4,843.43 had already been recouped resulting in a \$1,575.05 debt balance; advised that as a retiring Soldier, he could carry over all previously accrued leave
- DA Form 3508 (Application for Remission or Cancellation of Indebtedness), 9 November 2021 - reflective of the applicant’s submitted request for debt remission
- Compiled communication record – reflective of excerpts related to the applicant’s contentions with the applied debt and the actions taken on his behalf to address the issue; advised by a Defense Finance and Accounting Service (DFAS) representative that they were unable to address his concerns because the debt was out of service; advised to appeal to DFAS Debt and Claims department

FACTS:

1. The applicant states he was advised to request a waiver followed by debt remission of previously recouped funds related to excess leave taken but not authorized. The applicant notes that his submitted PTDY (20 days) was not processed, instead he was charged for a total of 107 days of leave (20 days PTDY and 87 ordinary leave).

2. A review of the applicant’s service record reflects the following:

- After serving as an enlisted Soldier, on 9 June 2003 (Special Orders Number 145 AR) the applicant was initially appointed as a Warrant Officer in the Army National Guard (ARNG) effective 2 May 2003
- On 14 June 2004 (Orders Number R-06-474393) – the applicant was ordered to active duty in an Active Guard Reserve (AGR) status effective 29 June 2004
- On 31 December 2019 – the applicant was retired from military service

3. On 26 June 2025, the Department of the Army, Deputy Chief of Staff, G-1, Compensation and Entitlements Division provided an advisory opinion recommending disapproval of the applicant’s request noting that the excess leave-related debt was incurred and processed in accordance with applicable regulations. The applicant was responsible for accurately managing his leave balance and his failure to do so resulted in excess leave and a valid debt. To avoid the excess leave balance, he needed to start his terminal leave in early September; instead, he was on an administrative absence from 17 September 2019 – 7 October 2019. Consequently, his unused leave was forfeited on 1 October 2019 at the beginning of the fiscal year.

4. On 30 June 2025, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. He 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 applicant’s contentions, the military record, and regulatory guidance were carefully considered. The Board concurred with the advisory official from the Deputy Chief of Staff, G-1 Compensation and entitlements Division, which recommended denying the applicant’s request. The Board noting that the excess leave-related debt was incurred and processed in accordance with applicable regulations. The applicant was responsible for accurately managing his leave balance and his failure to do so resulted in excess leave and a valid debt. To avoid the excess leave balance, he needed to start his terminal leave in early September; instead, he was on an administrative absence from 17 September 2019 – 7 October 2019. Consequently, his unused leave was forfeited on 1 October 2019 at the beginning of the fiscal year. Therefore, the Board found no error or injustice and denied relief.

BOARD VOTE:

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

X //signed//

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. Army Regulation (AR) 15-185 (ABCMR) paragraph 2-9 states the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

2. Army Regulation 600-4 (Remission or Cancellation of Indebtedness) in accordance with the authority of Title 10 USC, section 4837, the Secretary of the Army may remit or cancel a Soldier's debt to the U.S. Army if such action is in the best interests of the United States. Indebtedness to the U.S. Army that may not be canceled under Title 10 USC, section 4837 when the debt is incurred while not on active duty or in an active status.

3. Army Regulation 600-8-10 (Leaves and Passes) prescribes the policies and mandated operating tasks for military absences, including leave, pass, and administrative absence.

a. Paragraph 5-8 (Excess Leave) provides that Excess leave is a no-pay status; therefore, entitlement to pay and allowances and leave accrual stops on the first day of excess leave. Excess leave may be authorized in emergencies provided that the aggregate of all leave granted (accrued + advance + excess) does not exceed 60 days and that accrued and advance leave is used before excess leave. Accrued leave must be totally expended before using excess leave, except for procurement programs. Excess leave is normally not authorized at separation, except for involuntary excess leave awaiting punitive or administrative discharge. The DA Form 31 for excess leave must include this statement in block 17, "I understand that excess leave is without pay and allowances, so I am not entitled to disability retirement or separation for disability incurred in an excess leave status except as provided in 10 USC 1201(c)." Counseling must include that excess leave is without pay and allowances, and leave does not accrue while the Soldier is in an excess leave status

b. Chapter 4 (Chargeable Leave) provides 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.

- Annual leave is leave granted in execution of a commander's leave program, chargeable to the Soldier's leave account; this is also referred to as "ordinary leave"
- Terminal leave, also known as transition leave, is ordinary (chargeable) leave; the terminal leave period ends on the same calendar day as the date of discharge from active duty, which may be the Soldier's ETS date, retirement date, or separation date from active duty

- Transition Administrative Absence (TAA) (formerly Permissive Temporary Duty (PTDY)) relates to Soldiers retiring from active duty; Commanders in the grade of O-5 and above are the approval authority, but approval may be delegated to company commanders

4. Department of Defense Financial Management Regulation provides that accrued leave must be carefully accounted for and accurately identified as to the time and circumstances under which it was earned. The number of days accrued and value of unused leave that is to be sold depends upon the timeframe and circumstances under which it was earned. A member of a Reserve Component who accumulates leave during a period of active service may carry over any accumulated leave to the member's next period of active service without regard to separation or release from active service if the separation or release is under honorable conditions. This accumulated leave is subject to fiscal year carry forward limitations 60 days. Leave accrues to a Service member serving on active duty for 30 days or more. It accrues at the rate of 2.5 days for each month of active service. A member may not carry forward a leave balance of more than 60 days into a new fiscal year.

//NOTHING FOLLOWS//