



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

█  
Docket No. 7822-23  
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO █  
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Ref: (a) Title 10 U.S.C. § 1552  
(b) DoD 7000.14-R FMR Volume 7A, Chapter 35<sup>1</sup>

Encl: (1) DD Form 149 w/attachments  
(2) Advisory opinion by HQMC memo 7220 RFF, 17 Nov 23  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that her naval record be corrected to show Petitioner sold 60 days of leave upon her separation on 1 August 2023.

2. The Board, consisting of █ reviewed Petitioner's allegations of error and injustice on 26 March 2024 and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies.

3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. On █, Petitioner enlisted in the U.S. Marine Corps Reserve for 8 years. Furthermore, Petitioner signed a Service Agreement, Platoon Leaders Class (PLC) (Naval Aviator) NAVMC 10461. On █, Petitioner was joined for Officer Candidate School Active Duty for Training with PLC Junior course and transferred to the Inactive Duty Reserve on █.

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<sup>1</sup> Reference (b), generally, a Service member is entitled to receive payment for no more than 60 days of accrued leave during a military career. Exceptions to the 60-day Career Leave Payment Limitation. 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 October 1, 2001.

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[REDACTED]

b. On [REDACTED], Commanding Officer (CO), [REDACTED] issued Petitioner with Selection for the PLC program and assignment to active duty for training for the period of [REDACTED] to [REDACTED]. On [REDACTED] CO, [REDACTED] MCD notified Petitioner that “[y]our records have been changed to indicate your expected date of graduation as [REDACTED], as requested per [REDACTED] letter 1131 of [REDACTED].”

c. On [REDACTED], CO, [REDACTED] notified Petitioner that [REDACTED] letter of [REDACTED] requests that you be disenrolled from the PLC program because you are no longer interested in the program. Per the provisions of PLC Service Agreement (GRN) dated [REDACTED] and MCO P1100.73B, effective [REDACTED], you are disenrolled from the [PLC] Program and no longer have any contractual affiliation or obligation to any component of the United States Marine Corps. You are separated as an Officer Candidate Disenrollment, Code JFN3. Your description of service is "entry level separation." Members in this status do not receive a discharge certificate or characterization of service at separation.”

d. On [REDACTED], CO, [REDACTED] issued Petitioner a Selection for the PLC program and assignment to active duty for training for the period of [REDACTED] to [REDACTED]

e. On 19 August 2009, Original Discharge Account Summary lists 7.5 under Total Career Lump Sum Leave (LSL) Days Paid.

f. On [REDACTED], Finance Officer, Marine Corps [REDACTED] Command notified Petitioner that, “You have been identified by our Finance Office as being overpaid upon final separation from the Marine Corps in the amount of \$2,196.54. This indebtedness is due to a negative carried forward amount of \$3,013.49 from previous active-duty period. Pay and allowances earned from 1 August 2009 to 8 August 2009 and 6.5 days LSL have been credited to your account reducing the initial debt to residual debt indicated above”.

g. On [REDACTED], Petitioner signed a United States Marine Corps Appointment Acceptance and Record (NAVMC 763) in the U.S. Marine Corps as a Second Lieutenant under the PLCAVF program.

h. On [REDACTED], Commandant of the Marine Corps notified Petitioner that, “You are assigned to active duty on such date as will enable you to travel and report no earlier than 0800 and not later than 1700, [REDACTED] the Commanding General, [REDACTED] [REDACTED] for further assignment to CO, The Basic School [REDACTED] for duty under instruction in Basic Officer Course for a period in excess of 26 weeks”.

i. Petitioner was discharged and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 28 December 2009 to 1 August 2023 due to Non-Selection, Permanent Promotion. Furthermore, block 16 (Days Accrued Leave Paid) 52.5.

j. Petitioner’s Leave and Earnings Statements for the period of 1 – 31 August 2023 listed the following: Brought forward 70.0 days, earned 0.5 days, and used 18.0 (Sold 52.5 days, forfeited due to max LSL limit 17.0 days, and Leave Awaiting Separation (LWAS) 1.0).

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[REDACTED]

k. In accordance with Marine Corps Total Force System (Lump Sum Leave 947 Remarks), listed Career Days Paid on 3 July 2003 was 3.5 (Additional days paid 0.0), Career Days Paid on 20 August 2004 was 4.0 (Additional days paid 0.0), Career Days Paid on 8 August 2009 was 6.5 (Additional days paid 6.5), and Career Days Paid on 1 August 2023 was 52.5 (Additional days paid 6.5).

l. In the advisory opinion, attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

## CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The board concluded that on [REDACTED], Petitioner was disenrolled from the PLC Program, was separated as an Officer Candidate Disenrollment, Code JFN3, and her description of service was "entry level separation." Petitioner sold leave while in the PLC Program that was erroneously reported as "Career Days Paid." Petitioner was in a Reserve status and not a commissioned officer at the time. As such, the leave she sold on 3 July 2003 and 20 August 2004 totaling 7.5 days should have been listed under "Additional Days Paid" and should not have counted towards the Career total of 60 days. Petitioner saved 60 days leave to be paid at her separation, however only received payment for 52.5 due to the error. Because Petitioner lost 17 days of leave, the Board determined that 7.5 days of the lost leave will be paid to Petitioner.

## RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner's 3.5 days leave sold on 3 July 2003 were "Additional Days Paid" vice "Career Days Paid".

Petitioner's 4.0 days leave sold on 20 August 2004 were "Additional Days Paid" vice "Career Days Paid".

Petitioner's DD Form 214 with a separation date this period of 1 August 2023 listed block 16 (Days accrued leave paid) "60.0" vice "52.5".

Note: 7.5 days leave will be paid from the "17.0 days leave forfeiture due to maximum LSL limit." The Defense Finance and Accounting Service will complete an audit of Petitioner's pay records to determine Petitioner's pay entitlements.

A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

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[REDACTED]

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

4/3/2024

