



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

[REDACTED]
Docket No. 9868-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,
XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) DoD 7000.14-R FMR Volume 7A, Chapter 35

Encl: (1) DD Form 149 w/attachments
(2) RFF-KCI, P&R HQMC DoD email, 4 Apr 24
(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 carried over 39.5 days of leave at the time of the interservice transfer from the U. S. Marine Corps to the U. S. Navy.
2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 25 April 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. Petitioner was released from active duty from the U.S. Marine Corps with an honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 16 October 2006 to 4 August 2022 upon accepting commission in another branch of service. Days accrued leave paid: none.
 - b. Petitioner was issued Defense Finance and Accounting Service (DFAS) Military Leave and Earnings Statement (LES) for the period of 1 August 2022 to 31 August 2022 with a leave balance of 39.5 days. Petitioner LES for the period of 1 October 2022 to 31 October 2022 reflected a leave balance of 39.5 days. Furthermore, the following entry was listed: "0001 20220804 TO 2359 20220804 FOR 39.5 DAYS (ADJ) DO/FO RPTD LV ADJUSTMENT SEPARATED FR 0001 20220805."
 - c. Petitioner was discharged from the U.S. Naval Reserve with an honorable character of service and was issued a DD Form 214 for the period of 5 August 2022 to 13 December 2023 upon accepting commission in same branch of service. Days accrued leave paid: none.

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d. On 14 December 2023, Petitioner signed an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) in the active U.S. Navy as a Lieutenant Junior Grade with a day of rank 19 November 2023 with a designator code of 2300 (Staff Corps Officer billet requiring Medical Service (Health Care Administration, Medical Allied Science, Optometry, Pharmacy, or Medical Specialist) specialty).

e. On 16 January 2024, Petitioner was issued official new appointment orders (BUPERS order: 0164). On 7 March 2024, Petitioner was issued official modification to new appointment orders (BUPERS order: 0164) while at home address. Petitioner's intermediate (01) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 25 February 2024. Petitioner's intermediate (02) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 1 April 2024. Petitioner's intermediate (03) activity was [REDACTED] for temporary duty with an effective date of arrival of 6 April 2024. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of August 2024, with a projected rotation date of August 2026.

f. On 4 April 2024, enclosure (2), notified the Board that, "I would agree the Navy should bring forward the 39.5 days of leave onto the member's Naval record. This comment was also contained with the submission of her Separation/Travel Pay Certificate (NAVMC 11060) from her last Marine Corps Reporting Unit Code (RUC). Obviously, this comment is not resident on the NAVMC 11060, just within the comments section of the Document Tracking Management Service (DTMS) document submitted to the Disbursing Officer (DO) for final settlement. "Member wishes to transfer all remaining leave to the Navy."

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 in accordance with reference (b), an enlisted member of any military service who has been on active duty for 30 or more consecutive days and is discharged for the purpose of accepting a commission in any military service, then accrued leave is not payable. Additionally, 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. Petitioner submitted a request to carry over her 39.5 days of leave with a submission of her NAVMC 11060 from her last Marine Corps RUC. The comment was not resident on the NAVMC 11060 and not submitted to the disbursing office for final settlement. The Board determined that Petitioner had 39.5 days accrued leave upon her release from active duty from the U.S. Marine Corps and she did not receive payment for the leave, therefore she should have had her leave carried forward upon her entry into the Navy on 5 August 2022.

RECOMMENDATION

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

Petitioner carried forward 39.5 days leave upon her transfer from the U. S. Marine Corps to the U. S. Navy Reserve.

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Note: DFAS will reinstate 39.5 days to Petitioner's leave account effective 5 August 2022 and complete an audit of Petitioner's records to adjust leave accordingly.

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.

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.

5/2/2024

[REDACTED]

Deputy Director

Signed by: [REDACTED]