



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

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Docket No. 10913-23
Ref: Signature Date

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Dear █

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 21 August 2024. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies. In addition, the Board considered the advisory opinion contained in the Office of Chief of Naval Operations memorandum 7220 Ser N130C3/24U0116 dated 2 February 2024, which was previously provided to you for comment.

On 6 July 2015, Petitioner reenlisted for 6 years with an End of Active Obligated Service (EAOS) of 5 July 2021 and Soft EAOS of 5 April 2023. On 31 August 2018, Petitioner transferred from VP 30, and arrived to VP 45 on 28 September 2018 for duty.

The Leave and Earnings Statements (LES) you provided list the amount of Use/Lose leave and on page two under LES history remarks it states, "Protected Special Leave Accrual [SLA] Balance" and expiration date. On 21 December 2023, your Master Military Pay Account shows that on 1 October 2022 your leave balance brought forward was 92.5 (lost 11.5 days). You brought forward 107.0, earned 30.0, used 33.0 with a leave balance of 104.0 days. You were transferred to the Fleet Reserve with an honorable character of service and were issued a DD Form 214, Certificate of Release or Discharge from Active Duty for the period of 19 November 2001 to 31 March 2023 upon having sufficient service for retirement.

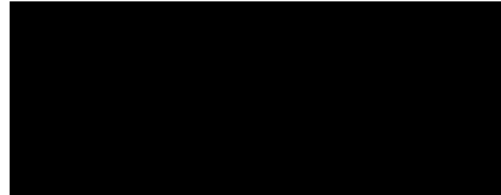
You requested to have 11 days of annual leave restored that you had lost at the end of Fiscal Year (FY) 2022 and to have your final pay recalculated. The Board in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that your LESs do not show why the amount of leave taken did not match up with the

Use/Lose leave. However, the Board concluded that your LESs all have a column that lists the Use/Lose leave for that month. Additionally, under LES history remarks, on page two of every LES submitted, the protected SLA balance was also listed. On several occasions, you took more leave than earned to date or on the books for the FY resulting in a portion of your protected leave being used and only some of the Use/Lose being subtracted. If you had taken only the leave you earned in FY-22 as you earned it, you would not have dipped below the 107.0 days you carried forward on 1 October 2021, the Use/Lose leave would have been used, and your protected leave would have been carried forward to FY-23. The Board determined that your justification to restore lost leave as a result of NAVADMIN 159/21¹ is unwarranted. In this connection, the Board substantially concurred with the comments contained in the aforementioned advisory opinion.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

9/4/2024



¹ Published on 28 July 2021, in line with references (a) [Title 10 U.S. Code Section 701] and (b) [Department of Defense Instruction 1327.06], leave carryover into the next FY is normally limited to 60 days. However, in line with these references, SLA can be approved to allow up to 120 days of leave to be carried over into the following FY. SLA for FY-20 was approved by the Office of the Secretary of Defense, reference (c) [Under Secretary of Defense Memorandum Authorizing SLA for FY 2020 Due to Covid-19 Restrictive Travel], due to the COVID-19 pandemic. SLA for FY-21 was approved by the Assistant Secretary of the Navy for Manpower and Reserve Affairs, reference (d) [Assistant Secretary of The Navy for Manpower and Reserve Affairs Memorandum Authorizing SLA for FY 2021], due to continued COVID-19 pandemic restrictions.

In line with the SLA approval for FY-21, Sailors that perform active service consistent with reference (a) during FY-21 are authorized to accumulate annual leave in excess of 60 days (not to exceed 120 days) as shown on the end of month September 2021 LES. This SLA leave balance may be retained until the end of FY-24 (30 September 2024). Enlisted members that will have more than 120 days of leave may sell back leave per references (e) [MILPERSMAN 1050-070] and (f) [MILPERSMAN 7220-340]. This is limited to once in a career and counts towards the 60-day career limit

Service Members are reminded that this SLA approval only protects the leave balance as of 30 September 2021 and does not protect leave earned in future FYs unless SLA is approved for that FY. Sailors are responsible for tracking and managing their own leave.