



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

■
Docket No. 1799-24
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) Under Secretary of Defense memo (Directive Type Memo 23-001), 4 Jan 23
(c) NAVADMIN 008/23, 19 Jan 23

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by OCNO memo [REDACTED]
(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 his naval record be corrected to establish Petitioner's eligibility to use Secondary Caregiver Leave (SCL) vice annual leave for the entire leave while awaiting separation (LWAS) period.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 11 September 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 1 January 2019, Petitioner's first dependent child was born.
- b. On 18 July 2020, Petitioner got married.
- c. On 27 November 2020, Petitioner's second dependent child was born.
- d. On 3 November 2022, Master Military Pay Account listed the following: Petitioner was charged with ordinary leave for the period of 28 October 2022 to 3 November 2022 (7 days).
- e. On 30 November 2022, Master Military Pay Account listed the following: Petitioner was charged with ordinary leave for the period of 24 November 2022 to 30 November 2022 (7 days).

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f. On 7 January 2023, Master Military Pay Account listed the following: Petitioner was charged with ordinary leave for the period of 28 December 2022 to 6 January 2023 (10 days).

g. On 28 January 2023, Petitioner's third dependent child was born.

h. On 31 January 2023, Petitioner submitted a Leave Request/Authorization (NAVCOMPT Form 3065) requesting leave for the period of 30 January 2023 to 14 March 2023. Block 10 (Leave Type) was blank; however, Block 24 (Comments/Remarks) listed the following: "Member's COC sent an email to submit secondary leave on Member's behalf. Created through Auto Check Out process." Petitioner's request was approved on 1 February 2023.

i. On 31 January 2023, Petitioner submitted a Leave Request/Authorization (NAVCOMPT Form 3065) requesting leave for the period of 14 March 2023 to 25 April 2023. Block 10 (Leave Type) was blank; however, Block 24 (Comments/Remarks) listed the following: Secondary Leave submitted on Member's behalf per Member COC. Created through Auto Check Out process. Petitioners requested was approved on 1 February 2023.

j. On 23 March 2023, Master Military Pay Account listed the following: Petitioner was charged with Permissive Temporary Duty (TDY) leave for the period of 31 January 2023 to 13 March 2023 (42 days).

k. On 5 April 2023, Petitioner issued official separation orders 0952 while stationed in [REDACTED] with an effective date of departure of April 2023. Place elected for travel: [REDACTED] with an actual date of separation of 25 April 2023.

l. Petitioner was released from active duty and transferred to the Navy Reserve 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 26 April 2017 to 25 April 2023 upon completion of required active service. Furthermore, days accrued leave paid 31.5.

m. On 26 April 2023, Master Military Pay Account listed the following: Petitioner was charged with Terminal leave for the period of 14 March 2023 to 25 April 2023 (43 days).

n. On 15 May 2023, Petitioner's Master Military Pay Account (MMPA) shows that on 1 October 2022 his leave balance brought forward was 38.0 days, earned 16.5, used 55.0 with a leave balance of -0.5 days.

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 error warranting the following partial corrective action. Petitioner was entitled to 84 days of SCL beginning on the date of the birth of his child on 28 January 2023. Petitioner requested two leave periods for parental leave for 42 days each. The Service charged the first period as Permissive TDY. Although the leave was not listed as parental leave, Petitioner was not charged for the first 42 days of leave. However, Petitioner's second parental leave period was erroneously processed as terminal leave (chargeable) resulting in Petitioner going into an excess leave/advance leave status and not entitled to pay and allowances prior to separation. As a result of the excess leave and non-pay status, member received \$237.91 for his

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separation payment. The Board determined that Petitioner should have only been charged 1 day of terminal leave for the day of separation because he did not report to work that day.

RECOMMENDATION

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

Petitioner submitted a NAVCOMPT Form 3065 on 31 January 2023, requesting SCL for the period of 14 March 2023 to 24 April 2023 (42 days). Petitioner's request was approved on 1 February 2023.

Petitioner submitted a (NAVCOMPT Form 3065 on 31 January 2023, requesting Terminal leave for the period of 25 April 2023 to 25 April 2023 (1 day). Petitioner's request was approved on 1 February 2023.

Note: The Defense Finance and Accounting Service will complete an audit of Petitioner's records to determine amounts due, if any.

A copy of this report of proceedings will be filed in Petitioner's naval record.

No further changes will be made to 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 titled 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.

9/30/2024

