

“COs [commanding officers] are delegated authority to grant special leave accrual to members eligible under the following criteria given in the “Eligibility Criteria” table...Deployable Ship/Mobile Unit...”

On 1 October 2018, you reenlisted for 3 years with an End of Active Obligated Service (EAOS) of 30 September 2021. Furthermore, On 25 July 2019, you signed an agreement to extend enlistment for 16 months with a Soft EAOS of 31 January 2023 in order to incur sufficient service to execute BUPERS order 2039.

On 20 December 2019, you transferred from ██████████ and arrived at ██████████ on 3 January 2020 for duty.

On 30 November 2021, your Reporting Senior signed a Regular Evaluation Report and Counseling Record for the period of 16 November 2020 to 15 November 2021. This was a Periodic/Regular report. Furthermore, block 28 (Command employment and command achievements) listed the following: ██████████
██████████ aircraft while conducting ██████████, and ██████████
██████████. Deployed to ██████████”

On 2 December 2022, your Reporting Senior signed a Regular Evaluation Report and Counseling Record for the period of 16 November 2021 to 15 November 2022. This was a Periodic/Regular report. Furthermore, block 28 (Command employment and command achievements) listed the following: “██████████
██████████ aircraft while conducting ██████████
██████████. Deployed to ██████████
██████████”

You were transferred to the Fleet Reserve with an Honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 25 September 2001 to 31 January 2023 upon having sufficient service for retirement. Furthermore, block 16 (Days accrued leave paid) listed 8.0.

On 27 February 2023, in accordance with your Master Military Pay Account you were charged terminal leave for the period of 4 November 2022 to 31 January 2023 (89 days). Furthermore, your base pay stopped effective 31 January 2023.

On 27 February 2023, your Master Military Pay Account listed the following: leave balance brought forward prior FY was 98.0. Furthermore, on 1 October 2022, your leave balance brought forward prior FY was 60.0 (Lost 38 days). You earned during the FY 4.0 days, used during the FY 68.0, with a current leave balance of -4.0.

On 22 February 2024, Defense Finance and Accounting Service (DFAS)-IN/Debt and Claims issued you a bill stating that: Previous balance was \$0.00, Payments Received \$0.00, Adjust \$7,365.88, and Total Balance Due \$7,365.88. Furthermore, “[d]ebt is due to leave you took from 11/04/2022 to 01/31/2023 resulting in a negative leave balance of 31.5 day(s) which includes a non-accrual of 2.5 day(s). you are not entitled to pay and allowances during periods of negative

leave. If you disagree with the validity or amount of your debt, please contact the pay office, DMPO, or AFAFO that placed you in debt and have them provide our office with proper documentation to alter or cancel your debt.”

You requested restoration of leave lost at the end of FY22 and prior to your separation from Naval service in January 2023, the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that while you were on deployment from April 2022 to October 2022, you received notification that you would lose 16.5 days of leave at the end of the FY. Furthermore, you stated that your admin department submitted the proper paperwork for you to correct your leave balance. However, the Board concluded that in accordance with MILPERSMAN 1050-070, a request for SLA must be approved by your commanding officer. You provided no documentation listing your deployment dates and you provided no evidence that you submitted a request for SLA, with approval of your commanding officer. Additionally, the advisory opinion recommended that you submit LESs for the period of October 2021 to January 2023, your DD Form 214, and paperwork from your admin department that was submitted on your behalf. Because you have not provided the requested documentation, the Board determined that there is not enough evidence to warrant a change to your record. 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,

11/25/2024

