

## **DEPARTMENT OF THE NAVY**

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

> No. 3785-24 Ref: Signature Date

Dear

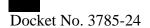
This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found 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 7 November 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 Office of the Chief of Naval Operations memorandum 7220 Ser N130C3/24U0464 of 22 May 2024, which was previously provided to you for comment.

In accordance with MILPERSMAN 1050-070, published on 22 January 2010 it is Navy policy to authorize members to accrue up to 120 days earned leave when assigned to duty under any of the circumstances specified under the "Eligibility Criteria" table.

When members serving in a deployable ship, mobile unit, or similar duty, which, because of operational mission requirements, deploys or operates away from its designated homeport or home base for a continuous period of at least 60 days, thus preventing normal use of earned leave before it is lost at the end of the fiscal year (FY), then members are eligible for special leave accrual (SLA).

Requests for SLA should be submitted via the chain of command (COC) to the approving authority no earlier than the end of the FY and no later than the end of the first quarter of the FY. Example: A request for FY 2008 SLA should be submitted no earlier than 30 September 2008, but no later than 31 December 2008.



"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.

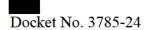
On 20 December 2019, you transferred from duty.	and arrived at	on 3 January 2020 for
On 30 November 2021, your Reporting Senior sign Counseling Record for the period of 16 November Periodic/Regular report. Furthermore, block 28 (Cachievements) listed the following:	2020 to 15 November	er 2021. This was a
aircraft while conducting  Deployed to	,	, and
On 2 December 2022, your Reporting Senior signe Counseling Record for the period of 16 November Periodic/Regular report. Furthermore, block 28 (Cachievements) listed the following: "aircraft while conducting	2021 to 15 November	er 2022. This was a
. 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.

