

[REDACTED]

[REDACTED]

[REDACTED]

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On 17 October 1989 you and your Reporting Senior signed a Periodic/Regular Enlisted Performance Evaluation Report for the period of 12 October 1988 to 30 September 1989. Furthermore, block 10 (Member's ship or station) listed [REDACTED] and block 54 (Duties and responsibilities) listed "[h]e completed 15 assignments requiring 84 days TAD to various units of

On 5 March 1990, you and your Reporting Senior signed a Transfer/Regular Enlisted Performance Evaluation Report for the period of 12 November 1989 to 14 March 1990. Furthermore, block 10

(Member's ship or station) listed [REDACTED] and block 54 (Duties and responsibilities) listed "Student."

On 5 December 1990, you and your Reporting Senior signed a Periodic/Regular Enlisted Performance Evaluation Report for the period of 1 October 1989 to 30 September 1990. Furthermore, block 10 (Member's ship or station) listed [REDACTED] and block 54 (Duties and responsibilities) listed "...[h]e completed 23 assignments requiring 62 days TAD to various units of [REDACTED]"

In December 1990, your Master Military Pay Account (MMPA) shows that on 1 October 1990 your leave balance brought forward was 60.0 (lost 21 days). Furthermore, the following leave was taken 7 November 1989 to 9 November 1989 (3 days) and 17 March 1990 to 22 March 1990 (6 days).

On 13 June 1991, you reenlisted for 3 years with an End of Active Obligated Service of 12 June 1994.

On 16 October 1991, you and your Reporting Senior signed a Periodic/Regular Enlisted Performance Evaluation Report for the period of 1 October 1990 to 30 September 1991. Furthermore, block 10 (Member's ship or station) listed [REDACTED], and block 54 (Duties and responsibilities) listed "...TAD: 90 days on 23 assignments." Furthermore, block 55 (Special Achievements) listed the following: "Received Southwest Asia Service Medal..."

You 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 13 June 1991 to 31 October 1993 upon having sufficient service for retirement. Furthermore, block 16 (Days accrued leave paid) was blank.

In accordance with SECNAVINST 1650.1H published on 22 August 2006 listed the following: Southwest Asia Service Medal were Awarded to members of the Armed Forces of the United States, who participated in or directly supported military operations in Southwest Asia, or in the surrounding areas, between 2 August 1990 and 30 November 1995 [REDACTED]
[REDACTED]

You requested to be paid for 30 days of leave for the fiscal year ending 1990 with 33 years of interest, the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that you were on High Alert with Operation Desert Shield and that your command requested that you not take leave unless you really needed it and that you were informed that you would not lose leave in excess of 60 days at the beginning of fiscal year (FY) 1991. You also state that due to your confidence in your command's advice, you did not take leave. However, the Board understood this to mean that you could have taken leave but chose to carry it over to the next FY. Additionally, Operation Desert Shield began on 2 August 1990. In accordance with 10 U.S.C. §701,¹ "A member who serves on active duty for a

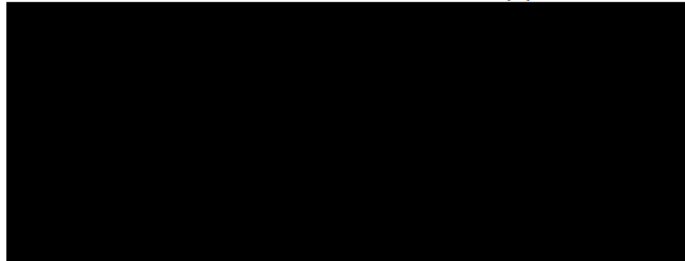
¹ Entitlement and accumulation. (a) A member of an armed force is entitled to leave at the rate of 21/2 calendar days for each month of active service, excluding periods of—(1) absence from duty without leave; (2) absence over leave; (3) confinement as the result of a sentence of a court-martial; and (4) leave required to be taken under section 876a of this title. Full-time training, or other full-time duty for a period of more than 29 days, performed under section 316, 502, 503, 504, or 505 of title 32 by a member of the Army National Guard of the United States or the Air National Guard of the United States in his status as a member of the National Guard, and for which he is entitled

continuous period of at least 120 days in an area in which he is entitled to special pay under section 310(a) of title 37 or a member assigned to a deployable ship, mobile unit, or to other duty designated for the purpose of this section, may accumulate 90 days' leave." The period of 2 August 1990 to 30 September 1990 is far short of 120 days and you would not have been eligible for such accumulation of leave. Finally, the Board noted that you were a student at ██████████ from 12 November 1989 to 14 March 1990. You took 6 days of leave from 17 March 1990 to 22 March 1990. Even if the Board concurred that you were unable to take leave once Operation Desert Shield began, you provided no explanation why you did not take or were denied any leave between the end of March 1990 and August 1990. The Board noted that there was not enough supporting documentation to support that you were not afforded the opportunity to take leave prior to the end of FY90 or that you were approved to carry it over to the next FY. The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action.

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,

5/8/2025



to pay, is active service for the purposes of this section. (b) Except as provided in subsection (f) and subsection (g), a member may not accumulate more than 60 days' leave. However, leave taken during a fiscal year may be charged to leave accumulated during that fiscal year without regard to this limitation. (c) A member who retired after August 9, 1946, who is continued on, or is recalled to active duty, may have his leave which accumulated during his service before retirement carried over to his period of service after retirement. [(d) Repealed. Pub. L. 89-151, §3, Aug. 28, 1965, 79 Stat. 586.] (e) Leave taken before discharge is considered to be active service. (f)(1) Under uniform regulations to be prescribed by the Secretary concerned, and approved by the Secretary of Defense, a member who serves on active duty for a continuous period of at least 120 days in an area in which he is entitled to special pay under section 310(a) of title 37 or a member assigned to a deployable ship, mobile unit, or to other duty designated for the purpose of this section, may accumulate 90 days' leave. Except as provided in paragraph (2), leave in excess of 60 days accumulated under this subsection is lost unless it is used by the member before the end of the third fiscal year after the fiscal year in which the service terminated. (2) Under the uniform regulations referred to in paragraph (1), a member of an armed force who serves on active duty in a duty assignment in support of a contingency operation during a fiscal year and who, except for this paragraph— (A) would lose any accumulated leave in excess of 60 days at the end of that fiscal year, shall be permitted to retain such leave (not to exceed 90 days) until the end of the succeeding fiscal year; or (B) would lose any accumulated leave in excess of 60 days at the end of the succeeding fiscal year (other than by reason of subparagraph (A)), shall be permitted to retain such leave (not to exceed 90 days) until the end of the next succeeding fiscal year.