



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

██████████
Docket No. 10464-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████, USN, ██████████

Ref: (a) Title 10 U.S.C. § 1552
(b) DoDI 1327.06, 16 Jun 09
(c) MILPERSMAN 1050-070, 22 Jan 10
(d) MILPERSMAN 1050-010, 29 Mar 13

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by OCNO memo 7220 Ser N130C3/25U0190, 31 Mar 25
(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 show that 30 days of lost leave was returned to be used in 2025.

2. The Board, consisting of ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 8 April 2025 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. Reference (b) "Annual Leave Programs. All commanders shall establish annual leave programs that provide their Service members the opportunity to take leave within the constraints of operational requirements. To obtain maximum benefit from the objectives of annual leave programs, commanders shall provide Service members the opportunity to take frequent periods of leave, including, whenever possible, at least one extended leave period each year of approximately 14 consecutive days in length or longer. Notwithstanding, Service members who refuse to take leave throughout the year shall be counseled regarding their obligation to execute military programs and policies. They should also be cautioned that such refusal may result in the loss of earned leave.

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Important Leave Periods. When encouraging a Service member to use leave, particular emphasis shall be placed on granting leave in the following circumstances: Upon a permanent change of station (PCS) or after periods of arduous duty and protracted periods of deployment from the home station or port...During the traditional national holiday periods...”

“Service members who serve on active duty for a continuous period of at least 120 days in an area in which they are entitled to special pay for duty subject to hostile fire or imminent danger under the provisions of Chapter 10 of Reference (j) may accumulate up to 90 days leave at the end of the fiscal year. Service members not serving in a hostile fire or imminent danger area, but who are assigned to a designated deployable ship, mobile unit, or other similar prescribed duty as determined by the Secretary concerned or are performing duties designated by the Secretary concerned as a qualifying duty, may accumulate up to 90 days of leave at the end of the fiscal year. Service members described in this paragraph may retain such leave if they receive written authorization from the first officer in the grade above O-6 in their chain of command.

Leave that exceeds 60 days will be lost unless used before the end of the second fiscal year following the fiscal year in which Service members qualified to accumulate up to 90 days leave at the end of the fiscal year.”

b. Reference (c) “Eligibility Criteria for Special Leave Accrual. WHEN members are...serving on other prescribed duty, normally for a continuous period of 60 days or more during the FY, AND...the situation that is preventing members assigned to such duty from using leave must have been caused by unscheduled operational commitment, national emergency or crisis or operations in defense of national security. Furthermore, the duty should preclude members from taking leave to reduce their leave balance to 60 days before the end of the FY, or 75 days from 1 October 2008 through 30 September 2013, THEN...members are authorized the special leave accrual.”

c. Reference (d) “Chargeable Leave: ...Annual (Ordinary) Leave - Leave granted in execution of a command’s leave program, chargeable to the Service member’s leave account.”

d. On 12 July 2022, Petitioner was issued official change duty orders (BUPERS order: 1932) while stationed in [REDACTED] with an effective date of departure of August 2022. Petitioner’s ultimate activity was [REDACTED] for duty with an effective date of arrival of 31 August 2022 with a Projected Rotation Date (PRD) of August 2024.

e. On 31 August 2022, Petitioner transferred from [REDACTED] and arrived at [REDACTED] on 31 August 2022 for duty.

f. Navy Standard Integrated Personnel System (NSIPS)/Electronic Service Record (ESR) listed the following: “You are not able to create a e-Leave Request until a Leave Control Number has been created for UIC [REDACTED]. Contact your Command Leave Administrator to create a Leave Control Number for your UIC.”

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g. On 30 November 2022, Petitioner notified [REDACTED] that “[d]o you know how someone would go about fixing this leave request error?”

h. On 1 December 2022, Petitioner notified [REDACTED] that, “I want to take some holiday leave and well, I can't. Ha, [REDACTED] likes to keep me chained to my desk. Thank again let me know what is needed of me.”

i. On 27 September 2023, Petitioner was issued official change duty orders (BUPERS order: 2703) while stationed in [REDACTED] with an effective date of departure of October 2023. Petitioner’s ultimate activity was [REDACTED] for duty with an effective date of arrival of 3 November 2023 with a PRD of June 2026.

j. Petitioner’s Master Military Pay Account (MMPA) listed the following leave balance on 30 September 2023. Brought forward prior FY was 60.0. Petitioner earned 30.0 days during the FY, used 0.0 during the FY, with a current leave balance of 90.0. Lost days 0.0.

k. Petitioner’s Master Military Pay Account (MMPA) listed the following leave balance on 1 October 2023. Brought forward prior FY was 60.0. Petitioner earned 0.0 days during the FY, used 0.0 during the FY, with a current leave balance of 60.0. Lost days 30.0.

l. On 2 November 2023, Petitioner transferred from [REDACTED] and arrived at [REDACTED] on 2 November 2023 for duty.

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 injustice warranting the following corrective action. The Board agreed that Petitioner did not take any annual leave from 1 October 2022 through 30 September 2023. Petitioner was unable to submit leave within NSIPS or a paper leave request due to him being the only service member in the UIC: 39696, which the command administrator did not have access. Although there is no documentation reflecting actions taken by the command for FY23, the Board concluded that if the command had done more to allow Petitioner to take leave prior to losing it on 1 October 2023, Petitioner would not have lost 30 days of leave. The Board determined that although Petitioner’s exact circumstances are not outlined in the aforementioned references, relief is warranted.

RECOMMENDATION

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

Petitioner’s Request for special leave accrual was submitted via the chain of command to the approving authority no earlier than the end of the fiscal year, and no later than the end of the first quarter of the following fiscal year.

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Note: As a result of this change, Petitioner will be credited with the 30.0 days of leave effective 1 October 2023.

The Defense Finance and Accounting Service will complete an audit of Petitioner's pay records to determine amounts due, if any. Leave that exceeds 60 days will be lost unless used before the end of the second fiscal year following the fiscal year in which the Service members qualified to accumulate up to 90 days leave at the end of the fiscal year.

A copy of this report of proceedings will be filed in 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.

4/16/2025

