



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

██████████
Docket No. 10709-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████, USNR,
XXX-XX-██████████

Ref: (a) Title 10 U.S.C. § 1552
(b) MILPERSMAN 7220-340 of 25 Sep 18

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by OCNO memo 7220 Ser N130C3/25U0038, 31 Jan 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 her naval record be corrected to show that 20 days of leave were restored.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 25 February 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. In accordance with reference (b), "Sailors who desire to carry over leave must sign NAVPERS 1070/613 documenting desire for leave carryover prior to the end of each ACDU period. NAVPERS 1070/613 must be received and signed as witnessed by the supported command, Service member's assigned Reserve Component activity, or the servicing personnel support detachment prior to the completion of each ACDU period... Failure to make an election or non-receipt of the NAVPERS 1070/613 by the servicing personnel detachment prior to the end of any ACDU period(s) will result in lump-sum payment for accrued leave."

b. On 8 September 2022, Petitioner was issued Official Active Duty for Operational Support Orders (BUPERS ORDERS). Per reference (a) [SEC 12301(D) TITLE 10 USC], you are hereby Ordered to Report for Active Duty for Operational Support under the authority of title 10 USC section 12301 (d) and IAW references (b) OPNAVINST 1001.20 SERIES], Assistant Secretary of Defense (Reserve Affairs) memorandum dated 16 June 2004, subj: enhanced health care benefits for reserve component members and their dependents], Joint Travel Regulations (JTR)] through (e) [RTN SW-5168-7895 / ADOS RTN MPN-23-60-5168-7895]. Period of duty:

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01 Nov 22 to 01 Jul 23 depart place from which called (or ordered) to active duty (PLEAD) net 01 Nov 22.

c. On 14 December 2022, Travel Voucher Summary (Voucher No. B07721) was prepared and paid on 1 February 2023 with a Start Date of 1 November 2022, and End Date of 4 November 2022. Detach Date: 1 November 2022, and Report Date: 4 November 2022. Advances/Prior Payments: \$0.00, Total Entitlement \$701.12, Total Charged to Acct. Class \$701.12, Total Amount Payable \$701.12, and Due Employee \$701.12. Remarks: "Did not apply DLA because zip code in 68 line of MMPA does not match current zip code."

d. On 30 March 2023, Petitioner was issued Active Duty for Special Work Mod. Order modified to amend end date from 1 July 2023 to 30 September 2023.

e. On 3 October 2023, Petitioner was issued Official Active Duty for Operational Support Orders (BUPERS ORDERS). Per reference (a) [sec 12301 (d) title 10 USC], you are hereby ordered to report for active duty for operational support under the authority of title 10 USC section 12301 (d) [Joint Travel Regulations (JTR)] and IAW references (b) [Assistant Secretary of Defense (Reserve Affairs) memorandum dated 16 June 2004, subj: Enhanced Health Care Benefits for Reserve Component Members and Their Dependents] through (e) [RTN SW-5168-7895 / ADOS RTN MPN-23-60-5168-7895]. Period of duty: 01 Oct 23 to 16 Feb 24 depart place from which called (or ordered) to active duty (PLEAD) NET 01 Oct 23.

f. On 11 January 2024, Petitioner was issued Active Duty for Special Work Mod. Order modified to amend end date from 16 February 2024 to 22 March 2024.

g. On 9 February 2024, Petitioner was issued Active Duty for Special Work Mod. Order modified to amend end date from 22 March 2024 to 26 April 2024.

h. On 27 February 2024, Petitioner signed a Leave Request and Authorization (NAVCOMPT 3065) requesting 35 days of Separation leave from 18 March 2024 to 23 April 2024. Petitioner's request was approved by cognizant authority on 6 March 2024.

i. On 27 February 2024, Petitioner signed a Leave Request and Authorization (NAVCOMPT 3065) requesting 35 days of Separation leave from 18 March 2024 to 26 April 2024. Petitioner's request was approved by cognizant authority on 6 March 2024.

j. [REDACTED] issued Petitioner an Administrative Remarks (NAVPERS 1070/613) listing the following: "I hereby elect to carry over 20 days of leave as of the date signed. Taking 35 out of 55 accrued days of leave as of 240227."

k. On 11 July 2024, Travel Voucher Summary (Voucher No. [REDACTED]) was prepared and paid on 12 July 2024 with a Start Date of 1 November 2022, and End Date of 25 April 2024. Detach Date: 1 November 2022, and Report Date: 4 November 2022. Advances/Prior Payments: \$701.12, Total Entitlement \$1,382.78, Total Charged to Acct. Class \$681.66, Total Amount Payable \$681.66, and Due Employee \$681.66. Remarks: "No payment to GTCC supplemental claim, processed 11/04/2022 Norfolk VA NOPD to claim starting 04/23-04/25/24."

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l. On 5 April 2024, [REDACTED] issued an Administrative Remarks (NAVPERS 1070/613) listing the following: "I understand the remaining leave days will be paid out on the last paycheck I receive.

Payment, for unused accrued leave at the time of separation, is limited to payment for a maximum of 60 days per career after 9 February 1976 and will be included in the member's final check."

m. Petitioner's official Active Duty for Operations Support Orders dated 8 September 2022 were endorsed with a detach date of 23 April 2024 from [REDACTED]

n. Petitioner was released from active duty for Special Work (ADSW) 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 1 November 2022 to 26 April 2024 upon completion of required active service. Furthermore, block 16 (Days accrued leave paid) 20.0, and block 18 (Remarks) "...Detached separation activity 16 Mar 2024 w/one day deactivation/40 days terminal leave."

o. On 6 May 2024, Separation Worksheet was created and listed the following: "LSL 20.0 DAYS BASIC PAY (CAREER MAX 60 DAYS) ...\$2,243.80."

p. On 16 May 2024, Petitioner's Master Military Pay Account (MMPA) listed the following (Days paid accrued leave): Number of leave days paid 20.0. On 1 October 2023, leave balance brought forward prior FY was 42.5. Petitioner earned 17.5 days during the FY, used 40.0 (18 March 2024 to 26 April 2024) during the FY, with a current leave balance of 0.0.

q. On 30 July 2024, [REDACTED] [I], Defense Counsel, JAGC notified Sales Force that "[i]n response to reference (a) [Salesforce Denial of Leave Reinstatement, Comment Regarding Case Closure] and pursuant to reference (b) [MILPERSMAN 7220-340], I am submitting this memorandum on behalf of [Petitioner], as [REDACTED] leave was sold back without her consent, evidenced by the forged signature on the leave sell-back form. Considering this, I strongly request the reinstatement of her 20 days of leave."

[Petitioner], USN, executed Active Duty for Operation Support (ADOS) orders aboard the [REDACTED] from 01 OCT 23 to 23 Apr 24. Enclosure (a) [Petitioner Initial ADOS Orders] contains [REDACTED] initial set of orders, written for the period of duty from 01 OCT 2023 to 16 Feb 2024. Enclosure (b) [1st Order Mod] is the order modification, that changed the end date from 16 Feb 2024 to 22 March 2024. Enclosure (c) [2nd Order Mod] is the final order modification that amended the end date of her orders from 22 March 2024 to 26 April 2024. On 27 February 2024, [Petitioner] submitted a Leave Request for 35 days from 18 March 2024 to 26 April 2024. Enclosure (d) [Leave Request dtd 27 Feb 2024] contains the Leave Request, approved on 06 March 2024.

IS1 returned from leave and detached from the [REDACTED] on 23 April 2024. After detaching from the [REDACTED], [REDACTED] returned to [REDACTED] located at [REDACTED]. She arrived on 25 April 2024.

Upon her return, [REDACTED] reported to the Admin Department at [REDACTED] to discuss her leave balance. She specifically spoke with [REDACTED], expressing her intention to carry over the accrued leave. To her surprise, [REDACTED] informed [REDACTED] that her leave had been sold back.

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He showed her the NAVPERS 1070/613 (Page 13) leave sell-back in her separation package, documented in Enclosure (f) [NAVPERS 1070/613 Administrative Remarks – Leave Carry Over]. This was a stark contrast to her understanding and desire to retain her leave.

Reference (b) notes that “[s]ailors who desire to carry over leave must sign NAVPERS 1070/613 documenting desire for leave carryover prior to the end of each ACDU period. NAVPERS 1070/613 must be received and signed as witnessed by the supported command, Service member’s assigned Reserve Component activity, or the servicing personnel support detachment prior to the completion of each ACDU period.”

Per reference (b), lump-sum payment for accrued leave will result only if the service member fails to make an election or upon or non-receipt of the Page 13 by the servicing personnel detachment prior to the end of the ACDU period.

When [REDACTED] went to speak with [REDACTED] regarding leave, her ACDU was not over. Her orders were set to end on 26 April 2024, Enclosure (c). Therefore, IS1 still had time to sign and submit a Page 13 for leave carryover in accordance with reference (b). However, before [REDACTED] had a chance to submit her own Page 13 for leave carry-over, a Page 13 for leave sellback was completed and signed for her on 04 April 2024. Examining the signature on the leave sell-back form, as documented in Enclosure (e) [NAVPERS 1070/613 Administrative Remarks – Leave Sell Back dtd 05 April 2024], reveals that this is not IS1’s actual signature, which is documented in Enclosure (f). This discrepancy underscores the need for the reinstatement of her leave.

Because [REDACTED] leave was sold back without her consent, as evidenced by the forged signature on the leave sell-back form contained in Enclosure (e), I request that [REDACTED] original desire be carried out. Per Enclosure (f), [REDACTED] intended to carry over 20 days of leave, only taking 35 out of the 55 accrued.

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 the NAVPERS 1070/613 issued by [REDACTED] on 5 April 2024 stated that Petitioner opted to sell back leave is erroneous. The signature on the form clearly does not match any of the many samples of Petitioner’s signature in her case file. Therefore, if not for that form, Petitioner would have had the opportunity to request leave carryover. Additionally, her record contains two NAVCOMPT 3065s dated on 27 February 2024 requesting 35 days of Separation leave beginning on 18 March 2024. However, the ending dates are listed as 23 April 2024 and 26 April 2024 respectively. The Board determined that because Petitioner detached from [REDACTED] on 23 April 2024 her leave period ended on 22 April 2024 vice 26 April 2024 and that Petitioner is entitled to carry over 20 days of leave.

RECOMMENDATION

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

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Petitioner was charged leave from 18 March 2024 to 22 April 2024 (36 days) vice 18 March 2024 to 26 April 2024 (40 days).

Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214) with a separation date this period of 26 April 2024, listed block 16 (Days accrued leave paid) 0.0 vice 20.0.

Petitioner's Administrative Remarks (NAVPERS 1070/613) issued on 5 April 2024, [REDACTED]
[REDACTED] is null and void.

Note: 20.0 days will be reinstated to Petitioner's leave account effective 26 April 2024. The Lump Sum Leave payment previously paid will be recouped. No waiver of recoupment will be granted. Furthermore, that any other entries affected by the Board's recommendation be corrected. The Defense Finance and Accounting Service will complete an audit of Petitioner's pay records to determine Petitioner's leave balance upon separation.

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.

3/6/2025

