

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 98-00066

**AUG 14 1998**

COUNSEL: None

HEARING DESIRED: No

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APPLICANT REQUESTS THAT:

Sixteen (16) days of leave be reinstated to his leave account.

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APPLICANT CONTENDS THAT:

The reasons the applicant believes the records to be in error or unjust and the evidence submitted in support of the appeal are at Exhibit A.

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STATEMENT OF FACTS:

The relevant facts pertaining to this application, extracted from the applicant's military records, are contained in the letter prepared by the appropriate office of the Air Force. Accordingly, there is no need to recite these facts in this Record of Proceedings.

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AIR FORCE EVALUATION:

AFPC/DPSFC reviewed this application and recommended denial. A complete copy of the evaluation is at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant reviewed the advisory opinion and furnished a response which is attached at Exhibit E.

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THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.

3. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. We took notice of the applicant's complete submission in judging the merits of the case; however, a majority of the Board was not convinced that approval of the requested relief was appropriate. While it is unfortunate that the member was unable to take his scheduled leave, there is always a risk when it is scheduled during the last months of the FY. We noted his contention that his convalescence precluded his taking the scheduled leave. However, convalescent leave is not chargeable and is not a valid reason to carry over more than 60 days. A majority of the Board therefore agreed with the recommendation of the Air Force and adopted the rationale expressed as the basis for their decision that the applicant has failed to sustain his burden that he has suffered either an error or an injustice. In view of the above and absent persuasive evidence to the contrary, a majority found no compelling basis to recommend granting the relief sought.

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RECOMMENDATION OF THE BOARD:

A majority of the panel finds insufficient evidence of error or injustice and recommends the application be denied.

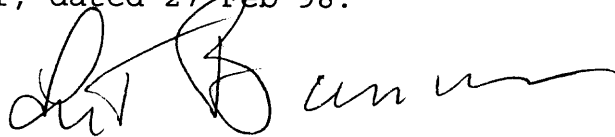
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The following members of the Board considered this application in Executive Session on 2 July 1998, under the provisions of AFI 36-2603:

Mr. LeRoy T. Baseman, Panel Chair  
Mr. Gregory H. Petkoff, Member  
Mr. Patrick R. Wheeler, Member

By a majority vote, the members voted to deny the request. Mr. Wheeler voted to correct the record and did not desire to submit a minority report. The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 6 Jan 98, with atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSFC, dated 21 Jan 98.
- Exhibit D. Letter, AFBCMR, dated 2 Feb 98.
- Exhibit E. Applicant's Letter, dated 27 Feb 98.



LEROY T. BASEMAN  
Panel Chair



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR FORCE PERSONNEL CENTER  
RANDOLPH AIR FORCE BASE TEXAS

21 JAN 1998

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPSFC  
550 C Street West, Ste 37  
Randolph AFB TX 78150-4739

SUBJECT: Application for Correction of Military Records [REDACTED]

Requested Action and Basis for Request. Reinstate 16 days lost at FY97 year-end balancing. Applicant states convalescent leave following heart surgery precluded taking leave.

Facts and Discussion. Applicant had 60 days 1 Oct 96, used 14 days, and had 76 days on 30 Sep 97. He lost 16 days on 1 Oct because Title 10 USC 701 precludes members from carrying over more than 60 days into the next FY. Applicant states he normally takes 10-15 days in Aug/Sep to accommodate mission requirements during peak periods. He was unable to take leave in Aug - Sep 97 due to surgery on 8 and 22 Jul and convalescent leave, 31 Jul - 1 Oct 97. Convalescent leave is not chargeable leave and is not a valid reason to carry over more than 60 days into the next FY. Title 10 USC 704 requires members to take leave annually as accruing to the extent consistent with military requirements. When members schedule leave during the last two months of the FY, they risk losing days if unable to take the leave as planned. Although, applicant was unable to take 16 days as vacation, he received pay and allowances for 63 days while on convalescent leave, 31 Jul - 1 Oct 97. In this case, we cannot find the Air Force culpable because military necessity was not the cause for the lost leave.

Recommendation. Deny because convalescent leave with full pay and allowances is not a valid reason to restore 16 days lost on 1 Oct 97. If the AFBCMR decides to grant relief, restore 16 days to current leave account.

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Chief, Commanders' Programs Branch

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