RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2010-00116

XXXXXXX COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

Eight days of days of leave be restored to his leave account.

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APPLICANT CONTENDS THAT:

A short-notice permanent change of station (PCS) assignment to Air Force Central Command (AFCENT) with denial of leave in route, combined with numerous short-term temporary duty (TDY) deployments to the Area of Operations (AOR), and the ever-present demands of working the Operation IRAQI FREEDOM/Operation ENDURING FREEDOM missions, made taking leave virtually impossible. His request for Special Leave Accrual (SLA) was denied as he was not deployed for 60 consecutive days.

In support of his request, the applicant provides an expanded statement.

The applicant’s complete submission, with attachment, is at Exhibit A.

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STATEMENT OF FACTS:

The relevant facts pertaining to this application 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/DPSIMC recommends denial, indicating there is no evidence of an error or injustice. The applicant carried forward 83 days of leave at the beginning of FY09. He earned 30 days of leave and used zero days during FY09. In accordance with AFI 36-3003, *Military Leave Program*, SLA is not authorized for members based on normal PCS moves and TDYs. AFI 36-3003 indicates that members who are not eligible for SLA can request recovery of days lost through application to the AFBCMR. However, a member’s application must clearly establish that an error or injustice caused the member to lose leave. The applicant did not provide full justification with documentation showing how he managed his leave during the year in question. He arrived at Shaw AFB, SC on 25 May 09, and went TDY for a total of 36 days during FY09. Furthermore, additional documentation was requested from the applicant to substantiate his claim, but he failed to respond.

The complete AFPC/DPSIMC evaluation is at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 6 Aug 10 for review and comment within 30 days. As of this date, no response has been received by this office (Exhibit D).

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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 an error or injustice. We took notice of the applicant's complete submission in judging the merits of the case; however, we agree with the opinion and recommendation of the Air Force office of primary responsibility and adopt its rationale as the basis for our conclusion that the applicant has not been the victim of an error or injustice. Therefore, in the absence of evidence to the contrary, we find no basis to recommend granting the relief sought in this application.

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THE BOARD DETERMINES THAT:

The applicant be notified the evidence presented did not demonstrate the existence of material error or injustice; the application was denied without a personal appearance; and the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

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The following members of the Board considered AFBCMR Docket Number BC-2010-00116 in Executive Session on 8 Feb 11, under the provisions of AFI 36-2603:

Ms. XXXXXXXXXX, Panel Chair

Ms. XXXXXXXXXX, Panel Member

Ms. XXXXXXXXXX, Member

The following documentary evidence was considered:

Exhibit A.  DD Form 149, dated 1 Jan 10, w/atch.

Exhibit B.  Applicant’s Master Personnel Records.

Exhibit C.  Letter, AFPC/DPSIMC, dated 20 Jul 10.

Exhibit D.  Letter, SAF/MRBR, dated 6 Aug 10.

XXXXXXXXXX

Panel Chair