

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01027

COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

Eight (8) days of leave be restored to his leave account.

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APPLICANT CONTENDS THAT:

He had approved leave for the end of Sep 11 through the first week of Oct 11; however, through no fault of his own, his leave was cancelled due to his being tasked with a short-notice deployment. In support of his appeal, the applicant provides a copy of his Contingency/Exercise/Deployment (CED) orders and a supporting statement.

The applicant's complete submission, with attachments, is at Exhibit A.

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STATEMENT OF FACTS:

The applicant served in the Regular Air Force in the grade of colonel (O-6) during the matter under review.

On 7 Sep 11, according to contingency/exercise/deployment orders provided by the applicant, he was ordered to deploy to Kandahar, Afghanistan, effective 10 Sep 11, for a period of 100 days.

According to AFI 36-3003, *Military Leave Program*, members lose leave over 75 days at the end of the FY unless eligible for special leave accrual (SLA). The purpose of SLA is to prevent members from losing accrued leave if they are unable to take normal leave due to significant and unforeseen operational mission requirements. The situation preventing members from using leave must have been caused by a catastrophe, national emergency and/or crisis or operations in defense of national security. Furthermore, it should be a result of the members' inability to take leave or to reduce their leave balance to 60 days (75 days from October 1, 2008 through September 30, 2013) before the end of the fiscal year while being assigned to said activities. Members are eligible for SLA if one of the following circumstances prohibited normal leave use:

a. Deployment to an operational mission at the national level for a continuous period of at least 60 days.

b. Assignment or deployment for a continuous period of at least 60 days to unit, headquarters, and supporting staffs when their involvement supporting a designated operational mission at the national level prohibits them from taking leave.

c. Deployment for at least 60, but less than 120, consecutive days to a designated hostile-fire or imminent-danger pay area.

d. Deployment to a hostile-fire or imminent-danger pay area for 120 or more consecutive days and receive this special pay for 4 or more consecutive months. **Note:** Examples of qualifying deployments include ENDURING FREEDOM, NOBLE EAGLE, or IRAQI FREEDOM. In some instances, the deployment may overlap two FYs (for example, deployment 15 Sep - 14 Nov).

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AIR FORCE EVALUATION:

AFPC/DPSIDR recommends denial, indicating there is no evidence of an error or injustice. The applicant applied for eight days of leave between 23 Sep 11 and 7 Oct 11. The leave was approved; however, the applicant was called to perform a short-notice deployment to Afghanistan which required him to cancel his leave. He used 19 days of leave during fiscal year 2011 (FY 11) but lost 8 days of leave for FY 11. According to AFI 36-3003, applications to restore lost leave must clearly establish that an error or injustice caused by the Air Force caused him to lose leave. Special Leave Accrual (SLA) shall not be used as a means to authorize the accumulation of leave in excess of 75 days that is the result of a member's failure to properly manage their leave balance.

A complete copy of the AFPC/DPSIM 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 25 Apr 12 for review and comment within 30 days (Exhibit D). As of this date, no response has been received by this office.

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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. Sufficient relevant evidence has been presented to demonstrate the existence of error or injustice. The applicant contends he was precluded from taking his scheduled leave due to being tasked with a short-notice operational deployment. After a thorough review of the evidence of record and the applicant's complete submission, we agree. While we note the comments of the Air Force office of primary responsibility indicating that relief should be denied because the applicant has not presented evidence the loss of his leave was not the result of his inability to manage his leave, we believe the supporting statement provided by the applicant's commander indicating that an operational deployment precluded the applicant from taking his already approved leave caused the applicant to lose eight days of leave. Therefore, we recommend the applicant's records be corrected as indicated below.

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THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to the APPLICANT be corrected to show that eight (8) days of leave be restored to his leave account, commencing 2 October 2012.

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The following members of the Board considered AFBCMR Docket Number BC-2012-01027 in Executive Session on 28 Sep 12, under the provisions of AFI 36-2603:

Chair  
Member  
Member

All members of the Board voted to correct the records as recommended. The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 24 Feb 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSIMC, dated 18 Apr 12.
- Exhibit D. Letter, SAF/MRBR, dated 25 Apr 12.

Panel Chair

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