

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01298

COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

Fifty-one (51) days of leave lost during fiscal year (FY) 2011 be restored to his current leave balance.

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APPLICANT CONTENDS THAT:

He was in the middle of a permanent change of station (PCS) en route from Travis Air Force Base (AFB) CA, to Royal Air Force Station (RAF) Lakenheath when his 3-month old son was diagnosed with a rare genetic disorder. His PCS orders were cancelled on 7 July 2011 after the diagnosis. From 7 July 2011, through 26 August 2011, he was without orders and not assigned to any duty station. On 26 August he received orders to Hanscom AFB, Massachusetts, under the Exceptional Family Member Program (EFMP). Once he arrived at Hanscom AFB, he was charged leave from the date of his departure from Travis AFB on 26 June 2011.

In support of his request, the applicant provides a copy of a signed letter from his Travis AFB squadron commander.

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

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STATEMENT OF FACTS:

The applicant is currently serving in the Regular Air Force in the grade of major, O-4.

By letter dated 18 April 2012, HQ AFPC/DPSIM requested the applicant provide additional supporting documentation to substantiate his claim; specifically, medical documentation reflecting all appointments pertaining to his claim. The applicant responded by providing Tricare billing statements with dates of office visits as well as procedures associated with his son's medical appointments.

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AIR FORCE EVALUATION:

AFPC/DPSIM recommends approval. DPSIM states the applicant out-processed Travis AFB, CA on 24 June 2011. He traveled to Houston, TX for 10 days of leave prior to departing for RAF Lakenheath. On 6 July 2011, the applicant and his family traveled to Charlotte, NC where his 3-month old son had three seizures and was admitted to a local hospital. On 12 July 2011, the applicant's orders to RAF Lakenheath were cancelled and his son was enrolled in the Exceptional Family Member Program. The applicant requested a new assignment and received orders to Hanscom AFB, MA on 26 August 2011. During this time the applicant was forced to use 51 days of leave.

AFI 36-3003, *Military Leave Program*, paragraph 10.9, states in part, members not eligible for special leave accrual (SLA), for the following reasons: normal PCS moves and TDYs, base closures, hospitalizations, aeromedical evacuations, quarters, and convalescent leaves, details and special working groups, training exercises, attending schools or courses, and research requirements, pending separations and retirements, workload after return from deployment and members did not take leave before 1 Oct., post-deployment recovery time, and post deployment/mobilization respite absence (PDMRA), can request recovery of days lost by submitting a DD Form 149, *Application for Correction of Military Records under the Provision of Title 10, U.S.C. Section 1552*. If the Board restores leave to current leave account, members must use these days before the end of the current FY.

The complete AFPC/DPSIM evaluation is at Exhibit B.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 26 July 2012 for review and comment within 30 days (Exhibit C). To date, this office has not received a response.

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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 to warrant

relief. We took notice of the applicant's complete submission in judging the merits of the case and we agree with the opinion and recommendation of the Air Force office of primary responsibility that correction of the applicant's leave account is warranted. Accordingly, we recommend that his records be corrected to the extent indicated below.

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THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that fifty-one (51) days of leave were restored to his account commencing 2 October 2012.

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The following members of the Board considered this application BC-2012-01298 in Executive Session on 6 December 2012, under the provisions of AFI 36-2603:

Panel Chair  
Member  
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 30 March 2012, w/atch.
- Exhibit B. Letter, AFPC/DPSIM, dated 19 June 2012.
- Exhibit C. Letter, SAF/MRBR, dated 26 July 2012.

Panel Chair