

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01302

COUNSEL: NONE

HEARING DESIRED: YES

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APPLICANT REQUESTS THAT:

The 27 days of leave she lost at the end of fiscal year (FY) 2011 be restored. By amendment, the applicant requests if full restoration of 27 days is not possible, she would like 17 days of leave be restored.

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APPLICANT CONTENDS THAT:

She was unable to use 27 days of leave due to her being deployed in support of OPERATIONS Iraqi Freedom/New Dawn from 1 April 2010 through 2 March 2011, attending senior noncommissioned officer academy (SNCOA) from 11 April 2011 to 30 May 2011, her permanent change of station (PCS) move on 10 June 2011, and being placed on half days from 8 August 2011 through 21 September 2011.

She believes she is entitled for leave restoration based on Title 10, USC, Section 701-F-1 A&B, which contained a special authorization that granted service members up to 120 days of leave at the end of the fiscal year provided they served on active duty for a continuous period of at least 120 days in an area in which they were entitled to special pay for duty subject to hostile fire or imminent danger under the provisions of DOD 7000. 14-R, volume 7 A, chapter 10. In addition, the member will not lose any leave and 120 days of leave is the maximum amount of leave that may be carried forward under SLA authority from FY10 to FY14 (fourth fiscal year following the fiscal year in which the member qualified for SLA).

In support of her appeal, the applicant provides copies of her deployment orders, paid travel voucher, and leave and earning statements.

The applicant's complete submission, with attachments, 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 senior master sergeant (E-7).

On 1 April 2010, the applicant was deployed to Balad AB, Iraq for an unspecified period.

On 17 April 2011, the applicant was ordered to perform temporary duty (TDY) at Maxwell AFB, AL for a period of 41 days for the purpose of attending the Senior Noncommissioned Officers Academy.

On 5 June 2011, orders were published directing the applicant's permanent change of station from Arlington, Virginia to Washington, District of Columbia, effective 15 June 2011.

On 25 September 2011, the applicant was placed on convalescent leave for a period of 43 days, which expired on 6 November 2011.

On 1 October 2011, the applicant lost 27 days of leave, as a result of FY-end leave balancing.

Service members are ineligible for SLA when the following precludes the use of leave: Normal PCS moves and TDYs, base closures, hospitalization, 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 October, post-deployment recovery time, post deployment/mobilization respite absence (PDMRA).

The remaining relevant facts pertaining to this application are contained in the letter prepared by the appropriate office of the Air Force, which is attached at Exhibit C.

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AIR FORCE EVALUATION:

AFPC/DPSIM recommends denial noting the applicant is not eligible for leave restoration. AFI 36-3003, *Military Leave Program*, paragraph 10.9, states, in part, that a member's application must clearly establish that an error or injustice by the Air Force caused the member's lost leave. Furthermore, paragraph 10.8.1, of the AFI states that members are not authorized leave restoration for normal PCS moves and TDYs.

The complete 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 26 July 2012 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. 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.
  4. The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issue(s) involved. Therefore, the request for a hearing is not favorably considered.
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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-2012-01302 in Executive Session on 4 December 2012, under the provisions of AFI 36-2603:

Panel Chair  
Member  
Member

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-01302 was considered:

- Exhibit A. DD Form 149, dated 5 April 2012, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSIM, dated 21 June 2012.
- Exhibit D. Letter, SAF/MRBR, dated 26 July 2012.

Panel Chair