

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01612

COUNSEL: NO

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His 4 days of lost leave be restored.

APPLICANT CONTENDS THAT:

He returned from a 180 deployment in December 2009. His January 2010 Leave and Earnings Statement (LES) reflected 100.5 days combat zone carryover that expired in September 2014. The special leave accrual (SLA) statute allows up to 120 days carryover for 4 fiscal years. He ended FY2011 with 79 days of leave and lost 4 days.

The Air Force Personnel Center denied his request to restore his leave stating that he did not properly manage his leave. He used 32 of the remaining days of leave in the following months of FY2010 and 45 days in FY2011. That amounts to 17 of the 25 days of SLA in less than 2 years. This should not be characterized as a mismanagement of leave.

In support of his request, the applicant provides his January 2010 and October 2011 LES.

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

STATEMENT OF FACTS:

The applicant retired from the Air Force on 31 May 2012 in the grade of major. According to the applicant's October 2011 LES, he lost 4 days of leave.

The remaining relevant facts pertaining to this application are contained in the advisory opinion from the Air Force office of primary responsibility at Exhibit C.

AIR FORCE EVALUATION:

AFPC/DPSIM recommends approval. AFI 36-3003, *Military Leave Program*, explains SLA shall not be a means to authorize the accumulation of leave in excess of 60 days (75 days from 1 October 2008 through 30 September 2013) when it is a result of the member's failure to manage their leave balance. The DoD Financial Management Regulation Volume 7A notes the maximum amount of SLA that may be carried forward is the leave balance at the end of the fiscal year following the end of the SLA period, not to exceed 120 days. The maximum amount will be reduced to level whenever the leave balance drops below the previously set level. If at any time the leave balance drops or goes below 75 days, then there is no longer any SLA protected leave. The actual maximum leave that may be carried forward into succeeding fiscal years is the lowest leave balance achieved following the completion of the SLA duty or the usual 75 days, whichever is greater.

The complete DPSIM evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 6 February 2013, for review and comment within 30 days (Exhibit D). As of this date, this office has received no response.

EXAMINER'S NOTE: The applicant permitted us to proceed prior to the expiration of the 30 days.

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. We took note of the applicant's complete submission to include the recommendation by the Air Force office of primary responsibility and agree with their recommendation. The applicant's leave should have remained protected as his leave level was above 75 days. Therefore, we recommend the records be corrected as indicated below.

THE BOARD DETERMINES THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that at the time of his retirement from active duty on 31 May 2012, he was authorized a cash settlement for an additional 4 days of unused accrued leave.

The following members of the Board considered AFBCMR Docket Number BC-2012-01612 in Executive Session on 21 February 2013, under the provisions of AFI 36-2603:

, Chair
, Member
, Member

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

- Exhibit A. DD Form 149, dated 29 Dec 11, w/atchs.
- Exhibit B. Applicant's Master Personnel Record.
- Exhibit C. Letter, AFPC/DPSIM, dated 6 Feb 13.
- Exhibit D. Letter, SAF/MRBC, dated 6 Feb 13.

Chair