



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO

OPNAVINST 1050.3
N130
20 Dec 05

OPNAV INSTRUCTION 1050.3

From: Chief of Naval Operations

Subj: ACCRUED LEAVE IN EXCESS OF 60 DAYS

Ref: (a) 10 U.S.C. 701
(b) DOD Instruction 1327.6 of 22 April 05
(c) 37 U.S.C. 501

1. Purpose. To provide guidance governing the accrual of leave in excess of 60 days for members in other than a missing status.

2. Cancellation. SECNAVINST 1050.5C and CNO WASHINGTON DC 290106Z Oct 04 (NAVADMIN 244/04).

3. Background. References (a) and (b) provide for special leave accrual which permits the carry-over of up to 120 days of leave across fiscal years, provided the member served in a qualifying assignment on active duty for a continuous period of at least 120 days and earned leave under uniform regulations prescribed by the Chief of Naval Personnel (CHNAVPERS). This instruction applies to a member who:

a. Served on active duty for a continuous period of at least 120 days after 1 January 1968 in an area in which the member was entitled to Special Pay for duty subject to hostile fire or imminent danger.

b. Was assigned after 30 September 1979 to a deployable ship, mobile unit, or other prescribed duty comparable to serving in an imminent danger area, when operational mission requirements prohibit normal leave utilization. Special leave accrual for members in a missing status is governed by the provisions of subsection (g) of reference (a).

4. Eligibility Criteria. Members may accrue up to 120 days earned leave when assigned to duty under any of the following circumstances:

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a. Hostile Fire Pay. When on active duty for a continuous period of at least 120 days in an area in which the member is continuously entitled to hostile fire or imminent danger pay.

b. Deployable ship or mobile unit. When assigned for a continuous period of at least 120 days to a deployable ship or mobile unit (including the Fleet Marine Force (FMF)) or similar duty, or a combination of duties as defined in this subparagraph and subparagraphs c and d, which, because of operational mission requirements, deploys or operates away from designated homeport or base for a continuous period of at least 60 days, thus preventing normal use of earned leave before it is lost at the end of the fiscal year. Personnel assigned to a ship or unit as described in this subparagraph, not meeting the 120 consecutive days assignment requirement or having served less than 60 consecutive days away from homeport or home base are not eligible.

c. Deployable ships or mobile units homeported or home based overseas. When assigned for a continuous period of at least 120 days to a deployable ship or mobile unit (including FMF or similar duty) permanently homeported or home based outside of the 50 United States, which is required to maintain a higher than normal condition of readiness in-port or at a home base and has deployed or operated away from homeport or home base more than 50 percent of the time, thus preventing the normal use of earned leave before it is lost at the end of the fiscal year. Personnel assigned to a ship or unit as described in this subparagraph, but assigned for less than six months of the fiscal year, are not eligible.

d. Other duty. When serving in other prescribed duty comparable to duty entitling a member to hostile fire/imminent danger pay for a continuous period of at least 120 days (or a combination of duties as defined in this subparagraph and subparagraphs b and c), the situation preventing service members assigned to such duty from using leave must have been caused by unscheduled operational commitment, national emergency/crisis, or operations in defense of national security. Furthermore, such duty should have precluded service members from taking leave to reduce their leave balance to 60 days before the end of the fiscal year. The provisions of this authority may be extended for members assigned to units, headquarters, and

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supporting staffs when they are prohibited from taking leave because of their involvement in support of a designated contingency operation.

e. Joint Service. For members serving in joint organizations, determination of eligibility shall be made by the joint organization in which the member is serving, as authorized by reference (b).

Note: Personnel who will not lose leave at the end of the fiscal year in which the qualifying period terminates are not affected by this entitlement regardless of the number of days served in a qualifying assignment.

5. Verification Procedures

a. Personnel who believe they are eligible should declare their eligibility to their Commanding Officer/Officer in Charge.

b. Commanding Officers (COs) are responsible for: (1) ensuring members are informed of this entitlement; (2) ensuring an appropriate service entry is made for unit deployment dates of departure and arrival for qualifying assignments as described in paragraph 4; (3) verifying member's eligibility by service record review, and in the absence of adequate documentation, an individual signed statement based on eligibility criteria in paragraph 4 is acceptable.

6. Limitations

a. Special leave accrual shall not be used to authorize accumulation of leave in excess of 60 days for personnel who do not manage their leave properly. Members are expected to take advantage of authorized leave periods and use leave authorized incident to permanent changes of duty.

b. Special leave accrual under subparagraphs 4a, 4b, or 4d is creditable in the fiscal year in which the required continuous period of duty is reached, but the qualifying duty need not have commenced in that fiscal year.

c. For members assigned to units permanently homeported or home based outside of the 50 United States as described in subparagraph 4c, special leave accrual is creditable only in a fiscal year during which the member was assigned for at least six months.

d. Leave accrued in excess of 60 days is lost if it is not used before the end of the third fiscal year following the fiscal year in which the qualifying duty is terminated. For example, a member deployed from December 2005 to June 2005 is authorized to accrue excess leave for fiscal year 2005. If excess leave is not used before the end of fiscal year 2008, and the member does not meet the requirements of this instruction to accrue additional excess leave for fiscal years 2006, 2007, or 2008, the member's leave balance will return to 60 days at the end of fiscal year 2008.

e. Reference (a) provides special leave accrual because of reduced leave taking opportunity caused by operational commitments. Consequently, special leave accrual does not apply to individual cases of leave lost due to hospitalization or permanent change of station order modifications.

f. Separation payments for unused accrued leave are limited to 60 days during a military career by reference (c).

g. Disbursing and administrative procedures are contained in the DFAS Pay/Personnel Procedures Manual (Navy) Volume 2, Part A.

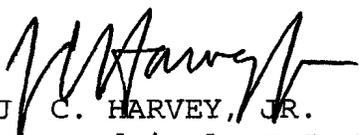
h. Requests for special leave accrual shall be submitted via the chain of command to the approving authority no later than the end of the first quarter of the following fiscal year for which the member is requesting special leave accrual. For example, a request for fiscal year 2005 special leave accrual must have been submitted to the approving authority by 31 December 2005.

7. Approving Authority

a. COs are delegated authority to grant special leave accrual to members eligible under subparagraphs 4a through 4c.

b. Approval authority for special leave accrual under subparagraph 4d (except for major command staff members) is extended to the major command level (Navy Fleet Commanders (Atlantic Fleet, Pacific Fleet, Naval Forces Europe)/Marine Forces Atlantic or Pacific/Marine Forces Reserves, New Orleans/Joint Unified Commanders).

c. Special leave accrual requests under subparagraph 4d for major command staff members (including headquarters) shall be submitted, via the chain of command to the headquarters level (CNO N130).


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