



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

LCC:ddj
Docket No: 7091-01
22 August 2002

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) CMC memorandum 1050 MPO 40 of 20 December 2001
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show Petitioner was entitled to reimbursement for travel from place of residence to place of duty, payment for 32.5 days of leave, extension of entitlement to ship household goods (HHGs) at government expense, and waiver of indebtedness for the amount of \$474.40 for travel to his Home of Selection (HOS) which was never performed.

2. The Board, consisting of Mses. Gilbert, McCormick, and Mr. McPartlin, reviewed Petitioner's allegations of error and injustice on 20 August 2002 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:

a. Petitioner was transferred to the Retired List effective 31 October 1999. Petitioner was authorized payment of full pay and allowances for the additional two months of active duty. Each and every entitlement Petitioner was receiving pay for on 31 August 1999 will be paid through 31 October 1999.

b. The additional two months of active duty will compensate Petitioner for the injustice of recalling him from terminal leave and directing him to report to Miramar, CA. Petitioner had lost 32.5 days of leave and since an individual can be transferred to the Retired List only on the last day of the month the additional time will compensate him for the travel he was required to do when he was recalled from terminal leave.

c. That part of the request for waiver of the indebtedness for the travel advance of \$474.40 was denied. If an individual does not perform the travel they are not entitled to receipt of the advance money for the travel.

d. By letter dated 17 October 2000 directed to the appropriate naval authorities Petitioner requested an extension of the one year period in which he was authorized to ship household goods (HHGs) at government expense incident to his transfer to the Retired List. By letter dated 17 October 2000, the appropriate naval authorities approved his request for an extension for a period of two years and four months in which he was authorized to ship his HHGs at government expense incident to his transfer to the Retired List. Petitioner's entitlement to ship his HHGs at government expense incident to his transfer to the Retired List will expire on 28 February 2003.

e. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

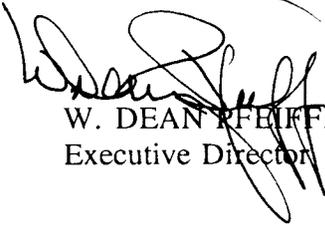
ROBERT D. ZSALMAN
Recorder


G. L. ADAMS
Acting Recorder

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5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

22 August 2002



W. DEAN RIEFFER
Executive Director