



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

LCC:ddj
Docket No: 7246-02
4 September 2002

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

[REDACTED]

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

Encl: (1) DD Form 149 w/attachments
(2) JFTR, Vol 1, para U5630.6 & email N130E2 BUPERS, 16 Jul 02
(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 is entitled to payment of Dislocation Allowance (DLA) and expenses for moving household goods (HHGs) in connection with orders that were issued and then canceled by the Naval Reserve Personnel Command (NRPC).

2. The Board, consisting of Messrs. Brezna, Milner, and Neuschafer, reviewed Petitioner's allegations of error and injustice on 4 September 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. On 5 July 2002 Petitioner's HHGs were packed for moving to Washington, DC as directed by NRPC orders 0082 (01) which were issued on 26 March 2002. On 9 July 2002 the Naval Reserve Personnel Command cancelled NRPC order 0082 because the Naval Personnel Command had changed the rules for High Year Tenure and Petitioner was not eligible for the PCS move.

b. The movers had not left the area on 9 July 2002 so the shipment was canceled. Petitioner is authorized reimbursement for moving the HHGs to a different location in the same geographical area since he had vacated his previous residence. Petitioner was authorized payment of full DLA because he vacated his residence based on authorized PCS orders directing him to move.

(NOTE: Petitioner will forward a copy of this letter and a copy of all receipts pertaining to moving his HHGs to the Naval Transportation Support Center, Personal Property Audit Division, 1667 Piersey Street, Norfolk, VA 23511-2806.)

c. 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

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.

4 September 2002


W. DEAN PFEIFFER
Executive Director