



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

LCC  
Docket No. 12354-08  
31 Mar 09

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO  
[REDACTED]

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

- Encl:
- (1) DD Form 149 w/attachments
  - (2) No cost PCS Orders
  - (3) Petitioner's req to include funds in PCS orders
  - (4) CO's request to include PCS funds
  - (5) Para U5355B.2, JFTR
  - (6) Constructive weight of HHG & Weight authorized by JFTR
  - (7) Para U5320D.3b, JFTR
  - (8) CMC memo 7000 MMIA of 14 Sep 07
  - (9) Subject's microfiche record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed written application, enclosure (1), with this Board requesting, in effect, that the applicable naval record be corrected to show Petitioner was authorized a funded Permanent Change of Station (PCS) move from his prior duty station (Camp Pendleton) to his current duty station (Marine Corps Recruit Depot, San Diego CA) vice an unfunded "Low/No Cost Permanent Change of Assignment (PCA)." If approved, he also seeks entitlement to payment of travel pay from [REDACTED] to [REDACTED] Single Dislocation Allowance (DLA) and an incentive payment for moving his household goods (HHG).

2. The Board, consisting of Messrs. George, Pfeiffer, and Zsalman reviewed Petitioner's allegations of error and injustice on 12 January 2009 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. Prior to filing enclosure (1) with this Board, Petitioner exhausted all administrative remedies afforded under existing law and regulations within the Department of the Navy.

b. Petitioner was issued no-cost PCA orders reassigning him from [REDACTED] to [REDACTED] on 21 September 2006. He was to report no later than 1 November 2006. Enclosure (2). He was to be further assigned as a Series Commander, Marine Corps Recruit Depot with a seven-day training week running from 0500 to 2100 daily. Petitioner's residence at the time was 64 miles from the Marine Corps Recruit Depot.

c. Petitioner immediately sought to have the orders modified to include funds for him to move at government expense nearer to his prospective duty station. The request was not forwarded to CMC due to administrative oversight. Petitioner's letter requesting his orders be modified is attached. Enclosure (3).

d. On 1 November 2006, Petitioner moved at his own expense so as to meet the reporting date specified in his orders. Petitioner now resides at [REDACTED]. His commuting distance to MCRD is now 12 miles. Enclosures (1) and (3).

e. On 15 May 2007 the Commanding Officer (CO), 3<sup>rd</sup> Battalion, Recruit Training Regiment, MCRD, San Diego, CA submitted a letter requesting that the orders be modified retroactively to authorize PCS funding to reimburse Petitioner for the move (which had already occurred). Enclosure (4). The Commandant of the Marine Corps, Manpower Management, Integration and Administration (Code MMIA), however, denied the request. Enclosure (1).

f. The Commanding Officer, 3<sup>rd</sup> Battalion, Recruit Training Regiment, MCRD, San Diego, CA has certified the move was mission essential, in the Government's best interest, and was not primarily for the member's convenience. The CO was in paygrade

0-5 as required by the Joint Federal Travel Regulations, Section 5, paragraph U5355B.1. Enclosure (5).

g. Petitioner states that he rented a U-haul truck to perform the move. He does not have any receipts for renting the truck or receipts for other costs associated with the move. He does not have any weight tickets to verify the weight of the property moved. He has submitted an Inventory of the Household Goods (HHG) he moved. Enclosure (6).

h. When the actual weight of a shipment of HHG is not available, paragraph U5335E, JFTR authorizes a "constructive" weight to be estimated based on an inventory. Enclosure (7).

i. Based on Petitioner's inventory, it is estimated that he moved 4,578 pounds of household goods. Had he been authorized a funded PCS move initially, his maximum weight limit would have been 12,500 pounds at government expense.

j. In correspondence attached as enclosure (8), the office having cognizance over the subject matter involved in Petitioner's application recommended denial, commenting that, in their opinion, no relief was warranted. They note that the Petitioner was counseled that the orders were no cost orders and he was not entitled to move at government expense. The relocation of his household was not in compliance with his orders and was therefore at his own expense.

CONCLUSION:

Upon review and consideration of all the evidence of record, notwithstanding the comments contained in enclosure (8), the Board finds the existence of an injustice warranting the requested relief. The Board carefully considered the comments contained in enclosure (8). However, the Board agreed with the comments of Petitioner's commanding officer to the effect that based on Petitioner's assignment as a Series Commander, it was in the government's best interest, as well as the interest of the safety of the Petitioner, to authorize a move that would reduce the Petitioner's daily commute. Accordingly, it was the Board's view that Petitioner's initial request to have the orders modified to include funds for him to move at government expense should have been granted. Because that initial request was not forwarded to CMC due to administrative oversight that was no fault of the Petitioner, the Board finds that retroactive

relief should be granted. The Board found that a request for payment associated with the movement of about 4,578 pounds of personal property was reasonable and not excessive under the circumstances. This was determined to be especially true because the Petitioner would have been authorized to move substantially more than his inventory shows that he actually moved if his initial request had been approved. Accordingly, the Board recommends the following corrective action.

RECOMMENDATION:

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

a. Petitioner's orders transferring him from [REDACTED] to [REDACTED] are funded PCS orders. He is entitled to an incentive payment for moving his HHG based on a constructive weight allowance of 4,578 pounds (calculated by cubing the items listed on the DD Form 1701). Petitioner's incentive payment will not exceed what the cost would be to U.S. Government for moving 4,578 pounds.

b. Petitioner is authorized payment of travel pay and per diem from [REDACTED] to [REDACTED]. He is also authorized payment of Single Dislocation Allowance. (Petitioner was in the grade of 1<sup>st</sup> Lieutenant when he made the move).

c. Petitioner did not submit evidence of the cost for the truck rental or other expense for moving from [REDACTED] to [REDACTED]. Accordingly, reimbursement of expenses for the rental truck and for other moving expenses cannot be authorized.

d. The incentive payment and other allowances will be charged to [REDACTED]

(Note: Petitioner should go to the closest facility which can compute travel vouchers and ask them to compute monies due for this action, i.e., travel pay and single dislocation allowance. Petitioner must present to the Agency computing the money due a copy of this letter, a copy of the reassignment orders. The Agency making the computation for payment will not make the actual payment but will give the completed computations to the Petitioner. Petitioner will then forward the computation of monies due, a copy of this letter to DFAS-IN/COR/Claims, 8899 East 56<sup>th</sup> Street, Department 3300 (Attn: COR/Claims),

Indianapolis, IN 46249-3300 will make payment of any money you may be entitled to. The HHG section MC Logistics Base, Albany, GA will compute the incentive payment due based on a constructive weight of 4,578 pounds and notify DFAS/IN of payment due to the Petitioner).

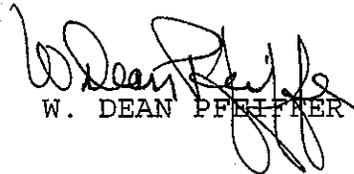
e. A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. It is certified that a 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.

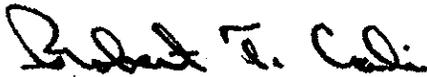
ROBERT D. ZSALMAN  
Recorder

  
WILLIAM J. HESS, III  
Acting Recorder

5. The foregoing action of the Board is submitted for your review and action.

  
W. DEAN PFEIFFER

Reviewed and approved:

  
4-27-09

**Robert T. Cali**  
Assistant General Counsel  
(Manpower and Reserve Affairs)