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

LCC
Docket No. 286-09
25 Feb 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) NAVSUPSYSCMD memo 4050 Ser 53G/017 of 30 Jan 09
(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 his Permanent Change of Station (PCS) orders were issued prior to 24 July 2008 and entitled to an incentive payment.

2. The Board, consisting of Messrs. Exnicios, Pfeiffer, and Zsalman, reviewed Petitioner's allegations of error and injustice on 23 February 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. 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. BuPers issued the orders that reassigned the Petitioner to the Norfolk, VA area on "22 July 2008".

b. On 22 July 2008 he executed the appropriate documents where he voluntarily elected to participate in the DITY Program to move his HHG. By endorsement dated 22 July 2008 authority to participate in the DITY Program was granted by the appropriate naval authorities and the documents were prepared to show government procured equipment to move the HHG was obtained through the appropriate authorities and used by Petitioner vice that he personally obtained and used rental equipment. Petitioner will be reimbursed for no more than what it would have cost the government to move a like weight of HHG not to exceed what Petitioner was authorized to move at government expense.

c. The incentive payment will be based on the constructive weight of the HHG. The constructive weight cubed out to 4,788 lbs.

(NOTE: Petitioner will forward a copy of the original orders, a copy of this letter, truck rental contract/receipts and a completed DD1351-2. The package must be mailed to the Business Support Department FISCN, HHG Audit Team Division, Code 302, 1968 Gilbert Street STE 600, Norfolk, VA 23511-3392.)

d. A copy of this Report of Proceedings will 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

WILLIAM J. HESS, III
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.

25 February 2009

W. DEAN PFEIFFER
Executive Director