



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

LCC
Docket No. 838-09
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 ltr of 23 Feb 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 that the Petitioner submitted a request for an extension of his entitlement to ship his household goods (HHG) at government expense incident to his transfer to retired status effective 31 August 2007.

2. The Board, consisting of Messrs. George, Exnicios, and Pfeiffer, reviewed Petitioner's allegations of error and injustice on 25 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. On 12 August 2008 the Petitioner submitted a letter to the appropriate Naval authorities requesting an extension of the one-year period in which to ship HHG at government expense incident to his transfer to retired status. On 12 August 2008 the appropriate Naval authorities approved his request and extended his entitlement to ship HHG at government expense for an additional period of 7 months that will expire 31 March 2009.

b. The Government will act as the agent for the Petitioner for storage of the HHG for the period from 1 September 2008 to the date HHG are removed from storage. The cost for the storage to the Petitioner will not exceed what it would have cost the government for the storage. (NOTE: Storage limitations for HHG are established by the statute, policy is published in the JFTR and the Board cannot change or increase those entitlements.)

c. 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


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


For W. DEAN PFEIFFER
Executive Director