



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

LCC
Docket No. 12888-09
13 Apr 10

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) CNO memo 7220 Ser N130C1/09u0958 of 28 Dec 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 Petitioner is entitled to payment of per diem for attending a training course when he was on Temporary Additional Duty (TEMADD) and is requesting payment of per diem.

2. The Board, consisting of Messrs. George, Pfeiffer, and Zsalman, reviewed Petitioner's allegations of error and injustice on 12 April 2010 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. TEMADD orders issued by the USS Gridley on or prior to 13 November 2008 directing the Petitioner to proceed on TEMADD are "null and void".

b. On 14 November 2008 the USS Gridley issued TEMADD travel orders to the Petitioner to attend a training course on Corry Station, Pensacola, FL for "139" days.

c. The Petitioner was unable to complete the course within the 139-day period and on 4 April 2009 the training course Administrators authorized an additional 55 days of TEMADD so that the Petitioner could complete the course.

d. Petitioner was authorized payment of \$70.00 for dry cleaning during the period of TEMADD.

e. Dining facilities were not available for the use of the Petitioner; however, government lodging was available and used by the Petitioner.

f. That so much of Petitioner's request as exceeds the foregoing is denied.

(NOTE: Petitioner should go to the closest facility which can compute travel vouchers and ask them to compute monies due for this action. Petitioner must present to the Agency computing the money due a copy of all previous vouchers, pertaining to the TEMDUINST, a copy of orders directing the TEMDUINST and a copy of this action. **The Agency making the computation will not make the actual payment.** Petitioner will then forward the computation of monies due, a copy of this letter and all other vouchers available and orders pertaining to the TEMDUINST to DFAS-IN, 8899 East 56th Street, Department 3300 (Attn: COR/Claims), Indianapolis, IN 46249-3300 will make payment of any money that you may be entitled to.)

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

4. It is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true 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.

13 April 2010


For W. DEAN PFEIFFER
Executive Director