



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

LCC
Docket No. 6353-10
19 April 2011

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 ltr4050 Ser 53F/087 of 20 July 2010

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 Permanent Change of Station (PCS) orders reassigning him from Corpus Christi, TX to Everett, WA were issued prior to 7 July 2009.

2. The Board, consisting of Messrs. George, Pfeiffer, and Zsalman, reviewed Petitioner's allegations of error and injustice on 21 March 2011 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. The Petitioner had been notified that he would receive orders in November 2009 reporting to USS FORD, FFG 54, homeport, Everett, WA.

c. Petitioner's spouse was pregnant, she was due to deliver about 24 November 2009.

d. In July 2009, prior to receiving orders, Petitioner moved his spouse and their household goods to Everett WA. Petitioner avers that his spouse's physicians "recommended travel in her second trimester versus her third unless absolutely necessary."

e. The Petitioner paid for the moving his HHG out of pocket and is now requesting reimbursement for the shipment of his HHG on 7 July 2009. He proffers notes from two physicians prepared after the move which state, essentially, that travel in the second trimester is more safe than travel in the third trimester.

f. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has recommended the request be denied. The Naval Supply Systems Command, in reviewing the case, could not see anything in the case file that would justify recommending approval for payment of moving the HHG prior to the orders being issued.

CONCLUSION:

Upon review and consideration of all the evidence of record, notwithstanding the comments contained in enclosure (3), the Board concludes that Petitioner's request warrants favorable action. In the Board's view, the unique circumstances of Petitioner's spouse's pregnancy called for the most favorable consideration possible such that an exception to normal policy is warranted.

RECOMMENDATION:

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

a. The PCS orders that reassigned Petitioner to USS Ford, FFG 54, homeport, Everett, WA were issued on "1 July 2009" vice any other date.

(NOTE: Petitioner will forward a copy of this letter, a copy of all documents pertaining to moving the HHG, copy of weight tickets, and a copy of all receipts pertaining to the move to the Business Support Department FISCN, HHG Audit Team Division, Code 302, 1968 Gilbert Street STE 600, Norfolk, VA, 23511-3392. The telephone number is 1-888-742-4467.)

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


W. DEAN PFEIFFER
Executive Director

Reviewed and Approved



6/23/11

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