



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1004
ARLINGTON, VA 22204-2490

DJC
Docket No. NR8277-13
22 Jul 14

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy
Subj: [REDACTED]

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

- Encl:
- (1) DD Form 149 w/attachments
 - (2) HQMC memo 7200 RFF-11 dtd 10 Feb 14
 - (3) KAYAK's travel itinerary 18 May 13 to 26 May 13
 - (4) Travel voucher DD Form 1351-2 1FR0PQ
 - (5) DTS, Accounting detail DN. KPOTHERPHL051813_V01
 - (6) KAYAK's travel itinerary 8 Jul 13 to 15 Jul 13
 - (7) Travel voucher DD Form 1351-2 1GL6JV
 - (8) DTS, Accounting detail DN. KPOTHERPHL070913_V01-01
 - (9) KAYAK's travel itinerary 22 Jul 13 to 27 Jul 13
 - (10) Travel voucher DD Form 1351-2 1GNQ60
 - (11) DTS, Accounting detail DN. KPOTHERPHL072213_V01
 - (12) CO (13th MEU) ltr dated 10 Oct 13
 - (13) CG (I MEF) ltr dated 4 Nov 13
 - (14) [REDACTED]
 - (15) [REDACTED]

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 reimbursement of commercial airfare ticket.

2. The Board, consisting of Mr. Zsalman, Mr. Exnicios, and Mr. Ruskin, reviewed Petitioner's allegations of error and injustice on 21 July 2014 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 2013, Petitioner received official authorization for Temporary Duty (TDY) Travel to [REDACTED], to attend the PHIBLEX 14 initial, mid-range, and final planning conference. See enclosure (12) and (14).

c. In 2013, Petitioner purchased airline tickets (round trip) to [REDACTED] via [REDACTED]. See enclosure (3), (6), and (9).

d. Petitioner departed Camp Pendleton, CA for TDY on 18 May 2013 and arrived to [REDACTED]. See enclosure (4).

e. Petitioner departed [REDACTED] on [REDACTED], and arrived to [REDACTED] on [REDACTED]. See enclosure (3).

f. Petitioner departed [REDACTED] on [REDACTED] and arrived to [REDACTED] on [REDACTED]. See enclosure (3).

g. Petitioner departed [REDACTED] on [REDACTED] and arrived to [REDACTED] on [REDACTED]. See enclosure (15).

h. Petitioner departed [REDACTED] on [REDACTED] and arrived to [REDACTED] on [REDACTED]. See enclosure (15).

i. Petitioner departed [REDACTED] on [REDACTED] and arrived to [REDACTED] from TDY on [REDACTED]. See enclosure (4).

j. Petitioner submitted his travel claim on [REDACTED] and was approved by disbursing on [REDACTED]. See enclosure (5).

k. Petitioner received travel settlement payment on 20 August 2013. No reimbursement for commercial airfare ticket was made by the Government. See enclosure (5).

l. Petitioner departed Camp Pendleton, CA for TDY on 8 July 2013 and arrived to Los Angeles International Airport, CA on 8 July 2013. See enclosure (7).

m. Petitioner departed [REDACTED] on [REDACTED], and arrived to [REDACTED] on [REDACTED]. See enclosure (6).

n. Petitioner departed [REDACTED] on [REDACTED], and arrived to [REDACTED] on [REDACTED]. See enclosure (6).

o. Petitioner departed [REDACTED] on [REDACTED], and arrived to [REDACTED] on [REDACTED]. See enclosure (6).

p. Petitioner departed [REDACTED] on [REDACTED], and arrived to [REDACTED] on [REDACTED]. See enclosure (6).

q. Petitioner departed [REDACTED] on [REDACTED], and arrived to [REDACTED] on [REDACTED]. See enclosure (6).

r. Petitioner departed [REDACTED] on [REDACTED], and arrived to Camp Pendleton, CA from TDY on 15 July 2013. See enclosure (7).

s. Petitioner submitted his travel claim on 8 August 2013, and was approved by disbursing on 26 August 2013. See enclosure (8).

t. Petitioner received travel settlement payment on 27 August 2013. No reimbursement for commercial airfare ticket was made by the Government. See enclosure (8).

u. Petitioner departed Camp Pendleton, CA for TDY on 22 July 2013 and arrived to [REDACTED] on [REDACTED]. See enclosure (10).

v. Petitioner departed [REDACTED] on [REDACTED], and arrived to [REDACTED] on [REDACTED]. See enclosure (9).

w. Petitioner departed [REDACTED] on [REDACTED], and arrived to [REDACTED] on [REDACTED]. See enclosure (9).

x. Petitioner departed [REDACTED] on [REDACTED], and arrived to [REDACTED] on [REDACTED]. See enclosure (9).

y. Petitioner departed [REDACTED] on [REDACTED], and arrived to [REDACTED] on [REDACTED]. See enclosure (9).

z. Petitioner departed Los Angeles International Airport, CA on 27 July 2013, and arrived to Camp Pendleton, CA from TDY on 27 July 2013. See enclosure (10).

aa. Petitioner submitted his travel claim on 8 August 2013, and was approved by disbursing on 26 August 2013. See enclosure (11).

bb. Petitioner received travel settlement payment on 27 August 2013. No reimbursement for commercial airfare ticket was made by the Government. See enclosure (11).

cc. Per enclosure (2), the Headquarters United States Marine Corps provided an advisory opinion concluding that the evidence proffered by Petitioner is insufficient to support the requested record change. The advisory opinion points out the following evidence to support its position: in accordance with the Joint Federal Travel Regulations (JFTR), Petitioner was paid correctly on his travel claims when he was not reimbursed for his non-U.S. certified air carrier tickets. The JFTR clearly states that reimbursement of a non-U.S. certified air carrier is not authorized when U.S. certified air carrier tickets are available. Even though Petitioner was told to purchase the tickets by his command, there was a U.S. certified air carrier ticket available for travel. Furthermore, to guarantee a seat to the final destination is not a basis to authorize the purchase of non-U.S. certified air carrier ticket.

CONCLUSION

Upon review and consideration of all the evidence of record, and notwithstanding the opinion expressed in enclosure (2), the Board finds the existence of an injustice warranting corrective action. The Board relied heavily on both the Commanding Officer (13th MEW), and Commanding General (I MEF)'s favorable recommendations. See enclosures (12) and (13). In planning the trips to the Republic of the Philippines, an action officer from the Marine Expeditionary Unit (MEU) Operations Section improperly directed the use of [REDACTED] to purchase airline tickets. The Petitioner was directed and authorized by higher headquarters to purchase tickets via commercial means and not use the Commercial Travel Office (CTO) due to an inability to obtain a ticket out of [REDACTED]. Petitioner was part of the initial, mid-range, and final planning conference. Furthermore, during the final planning conference, the Petitioner could have waited until he arrived in [REDACTED] to purchase his ticket for the final flight leg to his destination; however, he would not have been guaranteed a seat to the final destination and might have missed the planning conference. Because of this, the command directed him to cancel the ticket which he had already procured via the CTO in order to assure arrival for the planning conference. Admittedly, the unit failed to follow correct protocols in accordance with the regulations; however, it is a case of a misinformed Marine attempting to accomplish the mission.

RECOMMENDATION:

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

a. When Petitioner received TDY/TAD orders to [REDACTED] of the [REDACTED] (Travel order/authorization numbers [REDACTED]), a Commercial Transportation Office (CTO) from which to purchase a commercial airfare ticket (round trip) from Los Angeles International Airport, CA to [REDACTED] as not available. As a result of this change, Petitioner is authorized reimbursement for transportation (ticket price) on a non-U. S. certified air carrier not to exceed the Petitioner's cost (\$5,422.25).

b. Furthermore, Petitioner is entitled to a late payment fee for interest charged to the traveler's credit card based upon the balance of \$1,073.06. Note: this fee is payable, using the Prompt Payment Act interest rate, beginning on the 31st day after the submission of a proper travel claim (which was 7 June 2013) and ending on the date that the payment is disbursed by the government.

c. Furthermore, Petitioner is entitled to a late payment fee for interest charged to the traveler's credit card based upon the balance of \$2,631.91. Note: this fee is payable, using the Prompt Payment Act interest rate, beginning on the 31st day after the submission of a proper travel claim (which was 8 August 2013) and ending on the date that the payment is disbursed by the government.

d. Furthermore, Petitioner is entitled to a late payment fee for interest charged to the traveler's credit card based upon the balance of \$1,717.28. Note: this fee is payable, using the Prompt Payment Act interest rate, beginning on the 31st day after the submission of a proper travel claim (which was 8 August 2013) and ending on the date that the payment is disbursed by the government.

e. 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


BARBARA A. NAHULAK
Acting Recorder

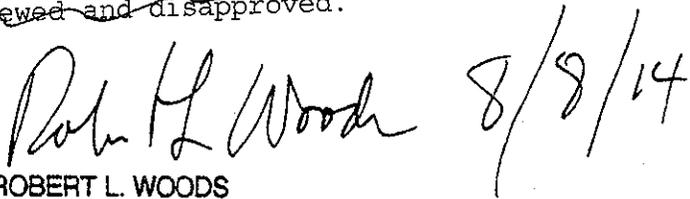
5. The foregoing action of the Board is submitted for your review and action.



ROBERT D. ZSALMAN
Acting Executive Director

Reviewed and approved. *BW*

~~Reviewed and disapproved.~~



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