



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

██████████  
Docket No: 4179-20  
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF ██████████, USNR,  
██████████

Ref: (a) 10 U.S.C. §1552  
(b) Joint Travel Regulations (JTR) of 2019

Encl: (1) DD Form 149  
(2) Navy Reserve Order Writing System (NROWS)/4635731/0 of 24 May 19  
(3) Travel Authorization of 25 May 19  
(4) ██████████ REI Hotel statement/receipt of 3 Jun 19  
(5) ██████████ email of 3 Jun 19  
(6) ██████████ email of 4 Jun 19 (12:03)  
(7) ██████████ email of 4 Jun 19 (03:59:39)  
(8) ██████████ of 5 Jun 19  
(9) ██████████ statement/receipt of 30 Jun 19  
(10) ██████████ statement/receipt of 27 Jul 19  
(11) ██████████ email of 28 Aug 19 (5:13)  
(12) ██████████ email of 28 Aug 19 (7:57)  
(13) Travel Voucher eff 4 Sep 19  
(14) ██████████ complaint notification letter of 4 Feb 20  
(15) Advisory Opinion by CNP memo 7220 Ser N130C1/20U1018 of 1 Jul 20

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that her naval record be corrected to show Petitioner was authorized Per Diem rate (government quarters and meals not available) for Temporary Duty (TDY) Travel from 1 June 2019 through 27 July 2019.
2. The Board reviewed Petitioner's allegations of error and injustice on 29 July 2021, 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, relevant portions of her naval service 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:

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[REDACTED]

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 accordance with reference (b), a Department of Defense (DoD) Service member ordered to a U.S Installation must use adequate and available government quarters. When ordered to an Integrated Lodging Program Pilot (ILPP) site where adequate government quarters are not available, a DoD Service member must use other lodging available under the Government Lodging Program. For government quarters policy for Service members, see table 2-14 (Government Quarters Use).

If a Service member is provided a non-availability number for an installation initially, then he or she is not required to seek or check for government quarters when on Temporary Duty (TDY) to that installation.

If adequate government quarters are available but a Service member is directed to procure commercial lodging off the U.S. Installation, then the Service member is treated as though no government quarters are available and is authorized the locality Meal & Incidental Expenses (M&IE) rate, instead of the Government Meal Rate (GMR) or the Proportional Meal Rate (PMR).

c. On 24 May 2019, Petitioner was issued Active Duty for Training (ADT) Special orders (NROWS/4635731/0 SDN: N0072R19SP11866). Commander, Navy Reserve Force ordered Petitioner to report for ADT to the Commanding Officer, [REDACTED], [REDACTED] no later than 07:00 on 3 June 2019 for duty. Period of duty: 1 June 2019 to 27 July 2019 for 57 days. Starting location was [REDACTED] and ending location was [REDACTED].

Quarters are available at [REDACTED] at no cost (1 June 2019 thru 27 July 2019). If quarters are not available contact the appropriate military representative for a written statement regarding the availability of adequate government quarters at the place or places at which the subject duty is performed (JTR introduction). Max daily lodging is \$154.00 for [REDACTED] activities, [REDACTED].

Use of government mess facilities is directed at [REDACTED] (1 June 2019 thru 27 July 2019), if available. If not available, you will obtain a statement from the appropriate military representative regarding the availability of mess facilities at the place or places at which the subject duty is performed (JTR 010201, 020201). Max daily M/IE is \$96.00 for [REDACTED].

Endorsement Stamp listed a report date of 4 June 2019, and messing and berthing had both available and not available circled, with not available crossed out.  
See enclosure (2).

d. On 25 May 2019, Travel Authorization (Document number: [REDACTED]\_A01-04) Authorization number: 2BALPL was published listing commercial carrier with an estimated cost of \$431.20, lodging with estimated cost of \$6,164.64,

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[REDACTED]

and M&IE with an estimated cost \$5,360.90, with a total of \$11,956.74. Furthermore, a pre-audit justification (DoD Lodging Not Available) stated that a room at the Government DoD lodging facility is not available for the period 1 June 2019 to 27 July 2019. Certificate of Non-Availability (CNA) 19NL260110 was issued authorizing use of commercial lodging. See enclosure (3).

e. On 3 June 2019, Petitioner received a statement/receipt from [REDACTED] Hotel listing a one night stay departing 4 June 2019 charging Petitioner 9,180 yen (108.3948990398/1 US = \$84.690). See enclosure (4).

f. On 3 June 2019, [REDACTED] emailed [REDACTED] [REDACTED], to explain Petitioner's situation. He stated, "The detachment that is on [REDACTED] tried to check into [REDACTED] at [REDACTED] per their orders. They were given CNA's and were told to book lodging in town. Personnel department aboard [REDACTED] [REDACTED] contacted [REDACTED] after staying in outside lodging for several days, and told them they would not be reimbursed for lodging as there was lodging available aboard ship, and they are now trying to endorse their orders as lodging/meals available aboard [REDACTED] after already staying out in town. I know we pulled their orders back per your instructions to change lodging from available onboard [REDACTED] to available at [REDACTED] Did you have an arrangement with someone aboard [REDACTED] that directed our Sailors to stay off ship? I don't want our Sailors to be out of pocket for rooms they were told by their orders to book off ship." See enclosure (5).

g. On 4 June 2019, emails from [REDACTED] informing [REDACTED], "BLUF: RC Sailors being told to move onboard; I believe you preferred them to stay off the ship? Either way it's fine, but they aren't taking any resource by staying off the ship (NGIS/out in town) as the funds are already allocated from RESFOR." A follow up email later stated that, "I have already written their orders to stay in NGIS in consideration of the possible ship's berthing space challenges. So their pay will not be an issue. Could you please let your chain of command know we have their cost covered?" See enclosures (6) and (7).

h. On 5 June 2019, Navy [REDACTED] issued Petitioner a certificate of non-availability. See enclosure (8).

i. On 30 June 2019, Petitioner received a statement/receipt from [REDACTED] listing an arrival date of 4 June 2019 charging Petitioner 434,000 Yen (107.9258853170/1 US = \$4,021.278). See enclosure (9).

j. On 27 July 2019, Petitioner received a statement/receipt from [REDACTED] beginning 30 June 2019 and departing date of 27 July 2019 charging Petitioner 297,832 Yen (108.6702508798/1 US = \$2,740.694). See enclosure (10).

k. On 28 August 2019, [REDACTED] emailed Petitioner to tell her that after speaking with [REDACTED], he found out that he was unable to issue Petitioner an exception to policy letter based on two facts: [REDACTED] had sufficient racks for her and orders paragraph directs Petitioner to berthing on [REDACTED]. A follow up email stated that it was ultimately her

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[REDACTED]

responsibility to read the orders in full and understand exactly what she was entitled. Should there have been any confusion, her responsibility was to clarify with Navy Operational Support Center (NOSC) or himself. He further stated that he was legally bound against issuing Petitioner an exception to policy, and directed her to engage NOSC and unit to seek other avenues for policy exemption. See enclosures (11) and (12).

l. On 4 September 2019, Petitioner's Travel Voucher was last adjudicated crediting Petitioner with \$1,471.23 for Airline ticket, and \$144.00 for M&IE (1 June 2019 and 27 July 2019) for a total of \$1,615.23. See enclosure (13).

m. On 4 February 2020, [REDACTED] complaint notification letter was published notifying Petitioner that [REDACTED] IG identified that Navy Reserves chain of command has already adjudicated her claim of undue indebtedness, as such they recommend she contact the Board for Correction of Naval Records (BCNR) to seek relief. Per SECNAVINST 5420.193, BCNR retains the authority to review and correct military records, therefore this matter is not IG appropriate. See enclosure (14).

n. On 10 February 2020, Petitioner submitted a DD Form 149 stating the following:  
"...When we arrived at the [REDACTED] we were greeted by a Senior Chief who indicated he had no idea who we were or what we were doing there. They were not expecting us and had no idea we were coming. We checked in with admin as we usually do, and we provided [REDACTED] with our itinerary. He asked us where we were staying and we advised SATO booked us in the wrong hotel initially, but they just booked us a room at the Mercure, a hotel right outside base. He indicated we were fine where we were. After we checked in, we each went to our respective shops. I went with the HTs and my husband went with the MMs. As our time there went on, the LPO in my shop asked me if I was staying on the ship and I told her I wasn't. She indicated if I wasn't told to stay on the ship that I didn't have to. This raised a concern so we ([REDACTED] and I) went to check in with [REDACTED] again and he advised us that he has been in communication with the OSO regarding our stay and stated we were fine staying off base and using our GTCC for per diem because those funds were allocated for us. So, we did as we were told...Fast forward to July 25th as we were checking out, [REDACTED] had previously circled "not available" for lodging and messing. In front of us, he scribbled around it and circled "available" for both. I questioned him and his response was "well I can't lie, there are racks available and there is food on the ship." I told him he hadn't told us about the availability of either earlier. He stated not to worry and to fill out form DD Form 1351 when we got home and to contact him should we have any issues..." See enclosure (1).

o. On 1 July 2020, Assistant, Pay, and Allowances Section (OPNAV N130C1) provided an advisory opinion concluding that the Board approve Petitioner's request. Per JTR, table 2-14, if adequate government quarters are available but a Service member is directed to procure commercial lodging off the U.S. Installation, then the Service member is treated as though no government quarters are available and is authorized the locality M&IE rate, instead of the GMR or the PMR. See enclosure (15).

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[REDACTED]

#### MAJORITY CONCLUSION

Upon review and consideration of all the evidence of record, and the advisory opinion expressed in enclosure (15), the board majority found the existence of an error/injustice warranting corrective action. Petitioner's NROWS orders did not direct use of government quarters at "no cost" but stated they were available at no cost. The orders also state that if quarters are not available to contact appropriate representative for a written statement of non-availability. Petitioner received Defense Travel System (DTS) authorization, which included a CNA for government quarters, prior to the execution of her orders, and all travel costs and settlements were generated from the DTS travel authorization and DTS travel voucher. The board majority determined in accordance with reference (b), if a Service member is provided a non-availability number for an installation initially, he or she is not required to seek or check for government quarters when TDY to that installation. Furthermore, if adequate government quarters are available but a Service member is directed to procure commercial lodging off the U.S. Installation, then the Service member is treated as though no government quarters are available and is authorized the locality M&IE rate, instead of the GMR or the PMR.

#### MAJORITY RECOMMENDATION

In view of the above, the board majority directs the following corrective action:

Petitioner's ADT Special orders (NROWS/4635731/0 SDN: N0072R19SP11866) dated 24 May 2019, ENDORSEMENT STAMP listed MESSING was "not available" vice "available", and berthing was "not available" vice "available".

Note: Petitioner must file a supplemental travel claim, along with a copy of this letter and all other required supporting documentation, to her local Personnel Support Detachment in order to receive reimbursement.

That a copy of this report of proceedings be filed in Petitioner's naval record.

#### MINORITY CONCLUSION

The board minority, in its review of Petitioner's entire record and application, also carefully considered the policy guidance of reference (b), and determined Petitioner did not meet the Traveler responsibilities. Petitioner is financially responsible for excess cost that were unnecessary or unjustified.

#### MINORITY RECOMMENDATION

That no corrective action be taken on Petitioner's 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 a 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.

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[REDACTED]

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

8/30/2021



Assistant General Counsel (Manpower and Reserve Affairs) Decision:

Reviewed, Board Majority Recommendation Approved (Grant Relief)

~~Reviewed, Board Minority Recommendation Approved (Deny Relief)~~

10/31/2021

