



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

██████████
Docket No: 6550-20
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████ USN,
XXX-XX ██████████

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

Encl: (1) DD Form 149 w/ attachments
(2) Member Data Summary of 4 Nov 20
(3) Career History
(4) BUPERS order: 1079 of 17 Apr 19
(5) TIS (NPPSC 1300/1) of 22 Apr 19
(6) MMPA printout as of 19 Dec 19
(7) BUPERS order: 1079 modification of 7 Aug 19
(8) Travel Claim paid of 14 Nov 19
(9) Supplemental Claim for Airline ticket roundtrip paid on 7 Feb 20
(10) NPPSC memo 5400 of 26 Oct 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 his naval record be corrected to show Petitioner was reimbursed for his travel by privately owned vehicle (POV) from ██████████ for "A" school and from ██████████
██████████

2. The Board reviewed Petitioner's allegations of error and injustice on 23 February 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 his 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:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. On 23 January 2017 Petitioner entered active duty. See enclosure (2).

Subj: REVIEW OF NAVAL RECORD OF [REDACTED], USN,
XXX-XX-[REDACTED]

c. On 24 March 2017 Petitioner arrived to [REDACTED] for training. See enclosure (3).

d. In accordance with reference (b), if POV use is not to the Government's advantage, then reimbursement is limited to the constructed cost of the authorized mode of transportation for the entire leg of the journey, plus the associated per diem.

e. On 17 April 2019 Petitioner was issued official change duty orders (BUPERS order: 1079). Detaching activity [REDACTED] with an effective date of departure of May 2019. Intermediate activity [REDACTED] with an effective date of arrival 11 May 2019. Ultimate activity [REDACTED] effective date of arrival 17 October 2019. See enclosure (4).

f. On 22 April 2019 Petitioner completed transfer information sheet (TIS) (NPPSC 1300/1). Petitioner desired and was approved to travel by POV and elected advance travel pay, and was approved by cognizant authority. Furthermore, Petitioner completed travel advance request (NPPSC 7220/3) requesting member POC mileage and member PCS Flat Per Diem. See enclosure (5).

g. On 29 April 2019 Petitioner transferred. See enclosure (3).

h. Petitioner was on leave for the period of 29 April 2019 to 5 May 2019 (7 days). See enclosure (6).

i. On 12 May 2019 Petitioner arrived to [REDACTED] for training. See enclosure (3).

j. On 7 August 2019 Petitioner was issued official modification to change duty orders (BUPERS order: 1079). Detaching activity [REDACTED] with an effective date of departure of May 2019. Intermediate activity [REDACTED] with an effective date of arrival 11 May 2019. Ultimate activity [REDACTED] effective date of arrival 17 October 2019. Additionally, "Transportation must be arranged with the Navy Passenger Transportation Office per NAVMILPERSCOMINST 4650.2 series." See enclosure (7).

k. On 25 September 2019 Petitioner transferred. See enclosure (3).

l. Petitioner was on leave for the period of 25 September 2019 to 9 October 2019 (15 days). See enclosure (6).

m. On 16 October 2019 Petitioner arrived to [REDACTED] for duty. See enclosure (3).

n. On 14 November 2019 Travel Claim was paid in the amount of \$726.50 for the period of 12 May 2019 to 25 September 2019. See enclosure (8).

Subj: REVIEW OF NAVAL RECORD OF [REDACTED] USN,
[REDACTED]

o. On 7 February 2020 Supplemental Claim for Airline ticket roundtrip was paid in the amount of \$428.00 for the period of 12 May 2019 to 25 September 2019. See enclosure (9).

p. On 26 October 2020 the Navy Pay and Personnel Support Center provided an advisory opinion concluding that the evidence proffered by Petitioner is insufficient to support the requested record change. The advisory opinion stated the following: Member was initially paid \$726.50 on 14 November 2019 and a supplemental claim was paid in the amount of \$428.00 on 7 February 2020 and no further action required. See enclosure (10).

MAJORITY CONCLUSION

Upon review and consideration of all the evidence of record, and notwithstanding the advisory opinion expressed in enclosures (10), the Majority finds the existence of an injustice warranting corrective action. The Majority concluded that Petitioner believed he was authorized to drive his POV due to his approved request on his transfer information sheet (NPPSC 1300/1) signed on 22 April 2019. The Majority believed that Petitioner was misinformed by his command and should be reimbursed for the mileage in conjunction with his executed BUPERS Order.

MAJORITY RECOMMENDATION

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

The Approving Official authorized the use of a POV after determining it was advantageous to the Government. Petitioner was authorized reimbursement for his travel by POV from [REDACTED] and from [REDACTED]

Note: Petitioner is directed to submit a supplemental travel claim for reimbursement to his local Personnel Support Detachment (PSD) along with his BUPERS orders 1079, receipts, and a copy of Board for Correction of Naval Records' decision letter. Furthermore, settlement of this travel claim is chargeable to the line of accounting on Petitioner's Official Change Duty Orders, BUPERS Order 1079.

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

MINORITY CONCLUSION

The Minority in its review of Petitioner's entire record and application, also carefully considered the policy guidance of reference (b). The Minority concluded the signing authority on the (NPPSC 1300/1) does not have the authority to override the government's reimbursement advantage in accordance with reference (b). The Minority concluded that Petitioner was reimbursed for the constructed cost authorized in reference (b) on 6 February 2020, and agreed with the advisory opinion that no further action is required.

MINORITY RECOMMENDATION

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



Subj: REVIEW OF NAVAL RECORD OF [REDACTED], USN,
[REDACTED]

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.

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

3/26/2021

[REDACTED]

Executive Director

Assistant General Counsel (Manpower and Reserve Affairs)

[REDACTED]

Reviewed and Approved Majority Recommendation (Grant Relief)

Reviewed and Approved Minority and Advisory Opinion Recommendation (Deny Relief)

[REDACTED]

Assistant General Counsel (M&RA)

[REDACTED]