



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

█
Docket No. 7042-20
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) JTR, Table 2-27
(c) NAVSTA █ msg 231826Z Oct 17

Encl: (1) DD Form 149 w/ attachments
(2) BUPERS Order: 1059 of 15 Apr 19
(3) Member Data Summary
(4) History of Assignments
(5) Lodging Receipt of 26 Jul 19
(6) MMPA Leave Screen
(7) NCSC ltr 7220 Ser N00/026 of 22 Jul 19
(8) Dependent Travel Voucher of 22 Aug 19
(9) MMPA BAH Screen
(10) Deputy Chaplain Corps Detailer (PERS-4414A) ltr undated
(11) NPPSC memo 5400 of 3 Mar 21

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 establish authorization for reimbursement of per diem, lodging, and proportional meal rate expenses during █ at █

2. The Board, consisting of █ and █ reviewed Petitioner's allegations of error and injustice on 25 May 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 enclosures, relevant portions of Petitioner's naval record, 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, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 15 April 2019, Petitioner was issued Official New Appointment Orders (BUPERS Order: 1059). See enclosure (2).

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- b. Petitioner's Active Duty Service Date is 25 April 2019. See enclosure (3).
- c. On 27 April 2019, Petitioner reported to Officer Training Command (OTC) [REDACTED] in a temporary duty (TEMDU) status. See enclosure (4).
- d. On 31 May 2019, Petitioner detached OTC [REDACTED] reported to [REDACTED] in a TEMDU status, and checked into temporary lodging; Navy Gateway Inns and Suites (NGIS). See enclosures (4) and (5).
- e. On 31 May 2019, Petitioner detached NCSC Newport on leave through 2 June 2019 and reported back to [REDACTED] for TEMDU on 3 June 2019. See enclosures (4) and (6).
- f. On 22 July 2019, Petitioner was issued a non-availability of no-cost housing and messing from 3 June 2019 through 24 July 2019. See enclosure (7).
- g. On 24 July 2019, Petitioner detached [REDACTED] on leave and reported to [REDACTED] on 25 July 2019 for duty. See enclosures (4) and (6).
- h. On 26 July 2019, Petitioner checked out of [REDACTED] and reported to Naval Station [REDACTED] for duty. See enclosures (4) and (5).
- i. On 27 July 2019, Petitioner's dependents departed their residence in [REDACTED] and arrived in [REDACTED] on 30 July 2019. See enclosure (8).
- j. On 3 March 2020, Petitioner's Basic Allowance for Housing (BAH) was started effective 25 April 2019 through 24 July 2019 for [REDACTED]. See enclosure (9).
- k. Deputy [REDACTED] Detailer ([REDACTED]) provided a statement to the Board indicating Petitioner's BUPERS New Appointment Order were written as all other new accessions, with the understanding Petitioner would receive per diem due to requiring lodging during Chaplain School. Additionally, the Detailer had the understanding that new accessions could not be accompanied by dependents at their accession training location. See enclosure (10).
- l. On 3 March 2021, Navy Pay and Personnel Support Center (NPPSC) provided an memo to enclosure (1). NPPSC's memo criteria reference (b) that Petitioner is not authorized per diem at a temporary duty (TDY) location in the same area of permanent duty station (PDS) and the Petitioner's travel claim has been completed and paid accordingly. See enclosure (11).

BOARD CONCLUSION

Upon review and consideration of all the evidence of record, and enclosure (11) memo. The Board agreed with enclosure (11) memo that the Petitioner's travel claim has been completed and paid accordingly. However, the Board concluded Petitioner's request warrants favorable action. In this regard, the Board heavily relied on enclosure (10), whereby Petitioner's detailer acknowledged not being aware of the requirements of reference (b) that would prohibit Petitioner from being eligible for per diem, lodging, and proportional meal rate expenses while in a TDY

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status in the same area of his PDS. The Board concluded, as a new accession Petitioner could not reasonably be aware of the housing, temporary lodging or per diem policies and regulations. Moreover, the Petitioner followed the instructions of his detailer, intermediate activity officials and issued orders that directed him to reside in [REDACTED] therefore, the Board recommended that the Petitioner's orders be modified to support the Petitioner's actual execution of TDY.

BOARD RECOMMENDATION

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

Petitioner's Official New Appointment Orders (BUPERS Order: 1059) dated 15 April 2019 was issued without an assigned Ultimate Activity. Note: Orders were modified on 24 July 2019, assigning Petitioner to [REDACTED]

Petitioner was authorized BAH at the with-dependent rate for [REDACTED] vice [REDACTED] from 25 April 2019 through 24 July 2019.

These change will authorize Petitioner to per diem, lodging, and proportional meal rate expenses per reference (c), for TDY in [REDACTED] from 3 June 2019 through 23 June 2019 while a student at [REDACTED]

Petitioner must submit supplemental travel claim(s), receipts, BUPERS Order 1059, and a copy of this Board of Correction of Naval Records decision letter to his local Personnel Support Detachment for adjudication. Furthermore, settlement of claim is chargeable to the line of accounting on Petitioner's Official New Appointment Orders (BUPERS Order: 1059).

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

4. 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. 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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

[REDACTED] 7/13/2021

Deputy Director

Signed by: [REDACTED]