



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

█
Docket No: 3353-21
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) 10 U.S.C. §1552
(b) NAVADMIN 113/20 dtd 17 Apr 20
(c) The Joint Travel Regulations (JTR) 2020

Encl: (1) DD Form 149 w/ chronological events statement
(2) DEERS printout
(3) BUPERS order: 1060 dtd 15 Apr 20
(4) Emails between Petitioner and NAVPTO from 12 Jun 20 to 19 Jun 20
(5) █ airline itinerary dtd 22 Jun 20
(6) COMNAVPERSCOM msg dtd 25 Jun 20
(7) History of Assignments
(8) BUPERS order: 1060 dtd 1 Jul 20
(9) NAVPTO, █ msg dtd 24 Jul 20
(10) Travel Voucher Summary prepared on 21 Aug 20
(11) Travel Voucher Summary prepared on 11 Jan 21
(12) Travel Voucher Summary prepared on 15 Mar 21
(13) Email between Petitioner and N130 dtd 25 Mar 21
(14) Emails between Petitioner and N130 from 29 Mar 21 to 30 Mar 21
(15) Advisory Opinion, CNP memo 7220 Ser N130C1/21U1080 dtd 28 Jul 21
(16) Petitioner's email dtd 28 Aug 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 to authorize reimbursement not to exceed the amount the government would have paid had he arranged his flights through the Navy Passenger Transportation Office (NAVPTO).

2. The Board reviewed Petitioner's allegations of error and injustice on 2 September 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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a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner has a spouse and has four children under 18 years old. See enclosure (2).

c. In accordance with reference (c), when a Travel Management Company (TMC) is available but not used by a traveler, reimbursement for transportation costs is limited to the amount that the Government would have paid if the arrangements had been made directly through a TMC. Transaction fees are not reimbursable, as it should be extremely rare that a TMC is not available.

d. On 15 April 2020, Petitioner was issued official change duty orders (BUPERS order: 1060), while stationed in [REDACTED] with an effective date of departure of June 2020. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of July 2020. See enclosure (3).

e. In accordance with reference (b), supersedes NAVADMIN 083/20, and acknowledges that operational unit commanders may have to execute a Restriction of Movement (ROM) period prior to introducing new members to the crew or prior to taking a unit overseas or underway. It also designates additional responsibilities for Transient Personnel Unit (TPU) Commanding Officers and clarifies use of Hardship Duty Pay (HDP)-ROM as a source of funding for ROM. Under Secretary Of Defense Memo, Force Health Protection Guidance requires personnel returning from a Center for Disease Control and Prevention (CDC) Travel Health Notice (THN) Level 3 or Level 2 location perform a 14-day ROM. During ROM, Service Members should be restricted to their residence or other appropriate domicile and limit close contact (within 6 feet or 2 meters) with others. This NAVADMIN clarifies the definition of ROM, provides amplifying guidance, and delineates responsibilities for execution of ROM.

f. On 12 June 2020, Petitioner provides Alaska Airlines, 7 July 2020 flight information to NAVPTO representative with explanation this is the only flight to accommodate pet and booking pet transportation cannot be accomplished without a reservation of his travel. On 16 June 2020, Petitioner sends NAVPTO representative another email explaining if unable to secure 7 July 2020 flight another change request will be required in order to accommodate pet travel. Agent replies with flight information for 17 July 2020. After several more email transactions the NAVPTO agent request Petitioner call her on 19 July 2020. This is the last email transmission between the two parties provided by Petitioner for inclusion in BCNR application. See enclosure (4).

g. On 22 June 2020, Petitioner purchased airline tickets for himself and his five dependents departing [REDACTED] on 7 July 2020 and arriving to [REDACTED]. Petitioner was charged \$4,281.60. See enclosure (5).

h. On 25 June 2020, COMNAVPERSCOM notified command that COVID-19 PCS Waiver is approved due to mission essential. Service member is authorized to execute PCS per BUPERS message dated 28 May 2020. Dependent travel is authorized (as applicable) PSD/NAVPTO issue tickets accordingly. See enclosure (6).

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- i. On 30 June 2020, Petitioner transferred from [REDACTED]. See enclosure (7).
- j. On 1 July 2020, Petitioner was issued official modification to change duty orders (BUPERS order: 1060), while stationed in [REDACTED] with an effective date of departure of July 2020. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of July 2020. See enclosure (8).
- k. On 21 July 2020, Petitioner arrived to [REDACTED] for duty. See enclosure (7).
- l. On 24 July 2020, NAVPTO, [REDACTED] issued Petitioner the following: A copy of this message to original orders. This port call constitutes an order modification. If this port call cannot be complied with contact [REDACTED] immediately at DSN 433-0600 or commercial (202) 433-0660. Family member made available for travel 14 July 2020. Military member/dependent elected self-procurement. Permanent change of station (PCS) orders must read government air authorized vice directed for member to receive reimbursement. Use of commercial travel office (CTO) is mandatory in accordance with JTR 2400. Use of U.S. flag carrier mandated when available in accordance with JTR 2140. Government procured air available (DCA/HNL) at \$492.25* AMC was/was not available. Limited reimbursement not to exceed cost of government provided transportation in accordance with JTR 3045-F2. *(family authorized \$492.25 per person) *(member authorized \$492.25 per person). See enclosure (9).
- m. On 26 August 2020, Travel Voucher Summary (DO Voucher No. A66002) was issued and paid for the period of 7 July 2020 to 21 July 2020. Advances/Prior Payments: \$0.00. Due Employee: \$6,364.75. Paid with no airfare reimbursed due to requirement to provide Scheduled Airlines Traffic Office (SATO) endorsement for all airfares. See enclosure (10).
- n. On 12 January 2021, Travel Voucher Summary (DO Voucher No. A92159) was issued and paid for the period of 7 July 2020 to 21 July 2020. Advances/Prior Payments: \$6,364.75. Due Employee: \$6,391.85. Paid with no airfare reimbursed due to requirement to provide SATO endorsement for all airfares. See enclosure (11).
- o. On 16 March 2021, Travel Voucher Summary (DO Voucher No. A53517) was issued and paid for the period of 7 July 2020 to 21 July 2020. Advances/Prior Payments: \$12,756.60. Due Employee: \$1,334.00. Paid with no airfare reimbursed due to requirement to provide SATO endorsement for all airfares. See enclosure (12).
- p. On 25 March 2021, Petitioner requested reconsideration of the airline portion of his travel claim. Petitioner asserts he submitted multiple travel supplemental claims prior to this date. NAVPTO refused to book travel on a date prior to his ROM period and modify tickets that would allow his pets to fly with his family. After the NAVPTO refused to modify his travel, he purchased his own airline tickets using a US Flagged Carrier as required. He executed his PCS to the best of his ability and within the bounds of the JTR 050204. He was asking for reimbursement for the cost the government would have incurred for the airline tickets. See enclosure (13).

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q. On 29 March 2021, Petitioner advised to submit application to BCNR by OPNAV N130 representative. See enclosure (14).

r. On 28 July 2021, the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has no merit and warrants no favorable action. Joint Travel Regulations, paragraph 050202. A.1, a Service member or dependent who, for personal reasons, uses a transportation mode other than the mode directed is not reimbursed for transportation costs. Petitioner's case file indicates the member was directed Government Air/Government-Procured Air. See enclosure (15).

s. On 28 August 2021, Petitioner submits a rebuttal to enclosure (15) advisory opinion. Petitioner states that he did not agree with the findings of the advisory opinion and his travel was not personal travel. He further states that he was directed to report on July 7th and worked for several weeks with the NAVPTO to coordinate flights and was given permission by the NAVPTO to arrange his own flights. Additionally stating that he stayed within the bounds of the JTR by using a US Flagged Carrier. Lastly stating that there were several constraints that must be considered when looking at the PCS in its entirety. See enclosure (16).

CONCLUSION

Upon review and consideration of all the evidence of record, and notwithstanding the opinion expressed in enclosure (15), the Board finds the existence of an injustice warranting corrective action. The Board, in its review of Petitioner's entire record and application, carefully considered the policy guidance of reference (c), and took into consideration the difficulties of government PCS travel at the peak of the COVID-19 outbreak and the challenges it presented. The Board disagreed with the assumption that Petitioner purchased airfare for personal reasons as stated in enclosure (15). Petitioner attempted several times to arrange travel through NAVPTO, but with airline capacity restrictions, limited flights available for pets, and time limitations, NAVPTO was unable to secure the transportation for him in a timely manner. The Board concluded since Petitioner only requested reimbursement based on paragraph 020207.E of reference (c), there is no additional cost to the government, Petitioner should be reimbursed.

RECOMMENDATION

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

Petitioner's official change duty orders (BUPERS order: 1060) including official modification to change duty orders listed "If transoceanic/international travel is required to execute this PCS Order, Government Air/Government-Procured air is directed unless authorized by the Order Writing Approving Official" vice "If transoceanic/international travel is required to execute this PCS Order, Government Air/Government-Procured air is directed." Prior to 22 June 2020, the Approving Official provided written authorization for personally procured transportation not to exceed amount the Government would have paid if the arrangements had been made directly through a TMC for travel in connection with official change duty orders (BUPERS order: 1060).

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Note: Petitioner will submit a supplemental travel claim with all required documents to include a copy of this letter through appropriate administrative channels to the Finance Office for reimbursement of government transportation cost.

That 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 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.

10/26//2021

[REDACTED]

Executive Director

Assistant General Counsel (Manpower and Reserve Affairs) Decision:

Reviewed and Approved Board Recommendation (Grant Relief)

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

10/31/2021

[REDACTED]

Assistant General Counsel (M&RA)

[REDACTED]