



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

[REDACTED]
Docket No. 5859-21
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) The Joint Travel Regulations (JTR) 2021

Encl: (1) DD Form 149 w/attachments
(2) Subject's naval record

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's official change duty orders (BUPERS order: 1621) were issued effective 7 June 2021.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 5 October 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 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, 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 accordance with reference (b), household goods (HHG) allowances are based on the permanent change of station (PCS) order's effective date; although, the HHG may be transported as long as the HHG authority remains in effect. The weight allowance is based on the grade held on the effective date of the order authorizing the HHG transportation. HHG transportation before a PCS order is issued is authorized if the request for transportation is supported by all of the following: a. A statement from the authorizing/Order-Issuing Official (AO) or designated representative that the Service member was advised before such an order was issued that it would be issued. b. A written agreement, signed by the applicant, to pay any additional costs incurred for transportation to another point required because the new permanent duty station (PDS) named in the order is different than that named in the AO's statement. c. A written

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

agreement, signed by the applicant, to pay the entire transportation cost if a PCS order is not later issued to authorize the transportation.

c. On 4 June 2021, [REDACTED] Incorporated issued a receipt for first payment of \$4,910.00 to Petitioner for long distance move from [REDACTED] to [REDACTED]. Total price was \$9820.

d. On 8 June 2021, [REDACTED] Incorporated issued a receipt to Petitioner for storage first month's rent. Total price was \$378.00.

e. On 8 June 2021, Certified Automated Truck Scale weight certificate was issued at TA [REDACTED] with gross weight of 23,020 lbs.

f. On 10 June 2021, Certified Automated Truck Scale weight certificate was issued at TA [REDACTED] with gross weights of 22,900 lbs., 27,100 lbs., and 24,180 lbs.

g. On 11 June 2021, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]), while stationed in [REDACTED], with an effective date of departure of June 2021. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of July 2021. Furthermore, effective date of [REDACTED] homeport change to [REDACTED] is 30 September 2021. Promulgation date was 1 March 2021. Sailors, including single sailors, reporting to [REDACTED] on or after the promulgation date are directed under these orders to conduct, as applicable, dependent travel, transportation, and shipment of HHG to [REDACTED]. Dependents are not authorized travel to [REDACTED] after the promulgation date.

h. On 17 June 2021, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 22 July 2021 for temporary duty.

i. On 23 June 2021, [REDACTED] Incorporated issued a receipt for second payment of 4,910.00 and fuel charges of \$547.58 to Petitioner for long distance move from [REDACTED] to [REDACTED].

j. On 6 August 2021, NAVSUP Fleet Logistics Center Norfolk notified Petitioner that a review of the documentation supporting the claim shows that Petitioner initiated shipment of his HHGs on 8 June 2021 prior to the 11 June 2021 issue date of his orders. Since shipment was made prior to the issuance of orders this office has no legal basis to permit payment of his claim.

k. On 27 September 2021, Force Medical Master Chief, Commander Naval Surface Force, U.S. Pacific Fleet notified NAVSUP Fleet Logistics Center Norfolk that due to the increase in operational tempo in the 7th Fleet AOR, Petitioner was advised to proceed with setting up his move and that the order would be released soon and there should not be an issue with doing this. Petitioner is filling a red-line position as the IDC aboard [REDACTED] which allowed the ship to deploy/go underway and meet operational/mission requirements. While awaiting orders that were going through the chop chain at PER -407 Petitioner was directed to do whatever it takes to ensure he expedite his transfer in order to meet the ship in [REDACTED] at the prescribed time. The ship is also in the process of a homeport shift to [REDACTED] and a result,

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

he would not be able to bring his family to [REDACTED] and would have to move them to [REDACTED] (cross country move) first before proceeding to [REDACTED] to meet the ship.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of reference (b), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that HHG allowances are based on the PCS order's effective date and certain criteria must be met in order to execute HHG transportation before an order is issued. However, according to the Force Medical Master Chief's memorandum dated 27 September 2021, Petitioner was instructed to do whatever it takes to ensure he expedites his transfer in order to meet the ship in [REDACTED] at the prescribed time. The Board concluded that Petitioner had reason to believe that orders would be forthcoming and that he should be authorized to move his HHG.

RECOMMENDATION

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

Petitioner's official change duty orders (BUPERS order: 1 [REDACTED]) were issued on 3 June 2021 vice 11 June 2021. Furthermore, Petitioner was authorized to ship HHG.

Note: Petitioner will submit a copy of the Board's approval letter to the Navy Household Goods Audit Team with all appropriate HHG documentation and orders to settle his claim. Settlement of move charged against Petitioner's BUPERS order: [REDACTED].

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.

11/1/2021

[REDACTED]
Deputy Director

Signed by: [REDACTED]