



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

[REDACTED]
Docket No. 307-22
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) The Joint Travel Regulations (2017)

Encl: (1) DD Form 149 w/attachments
(2) CNP memo 7220 Ser N130C1/21U1263 of 30 Aug 21
(3) 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 her naval record be corrected to establish Petitioner's authorization for temporary duty per diem and travel allowances for the period of 7 November 2017 to 10 February 2018.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 7 April 2022 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, to include reference (b)¹.

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 9 August 2017, Petitioner was issued official change duty orders (BUPERS order: 2217) while stationed in [REDACTED] with an effective date of departure of October 2017. Petitioner's intermediate (1) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 23 October 2017. Petitioner's intermediate (2) activity was [REDACTED] for temporary duty with an effective date of arrival of 6 November 2017. Petitioner's intermediate (3) activity was [REDACTED] for temporary duty

¹ In accordance with reference (b), Permanent Change of Station (PCS) with TDY (Temporary Duty) at a location near (but outside the limits of) the old or new PDS (Permanent Duty Station). Per diem is not payable: At a TDY location ICW a PCS with TDY enroute near the old/new PDS; or when a member performs TDY at/near the home port when the PDS is a ship/afloat staff. If the member commutes to the TDY from the Quarters occupied while attached to the old PDS or the permanent Quarters the member intends to occupy at the new PDS.

Quarters (residence, suite, room, cubicle, etc.) at the: Old PDS are no longer permanent quarters on/after the PCS Household Goods (HHG) weight allowance transportation date. New PDS are permanent on/after the date the PCS HHG weight allowance is accepted.

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under instruction with an effective date of arrival of 8 January 2018. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of February 2018.

- c. On 21 October 2017, Petitioner transferred from [REDACTED], and arrived to [REDACTED] for temporary duty.
- d. On 3 November 2017, Petitioner was issued official modification to change duty orders (BUPERS order: 2217) while stationed in [REDACTED] with an effective date of departure of October 2017. Petitioner's intermediate (1) activity was [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 23 October 2017. Petitioner's intermediate (2) activity was [REDACTED], [REDACTED] for temporary duty with an effective date of arrival of 6 November 2017. Petitioner's intermediate (3) activity was [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 8 January 2018. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of February 2018.
- e. On 3 November 2017, Petitioner transferred, and arrived to [REDACTED] on 7 November 2017 for temporary duty.
- f. On 12 December 2017, OHA (Overseas Housing Allowance) was started effective 10 December 2017.
- g. On 26 December 2017, COLA (Cost of Living Allowance) was started effective 7 November 2017.
- h. On 6 January 2018, Petitioner transferred, and arrived to [REDACTED] for temporary duty.
- i. On 9 February 2018, Petitioner transferred, and arrived to [REDACTED] on 10 February 2018 for duty.
- j. On 21 March 2018, Travel Voucher Summary (DO Voucher No. A18419) was issued and paid for the period of 20 October 2017 to 10 February 2018. Advances/Prior Payments: \$0.00. Total Entitlement: [REDACTED] Due Employee: [REDACTED] There were no credits to Petitioner from 8 November 2017 to 5 January 2018.
- k. On 13 February 2020, The [REDACTED] issued Petitioner a receipt for the period of 7 November 2017 to 10 December 2017.
- l. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded Petitioner was in a temporary duty status in [REDACTED] from 7 November 2017 through 6 January 2018, which was to be her new PDS upon completion of a subsequent TDY at [REDACTED]. Petitioner was not commuting to her TDY location from permanent quarters she intended to occupy at the new PDS; therefore, per diem is authorized.

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RECOMMENDATION

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

Petitioner was issued official change duty orders (BUPERS order: 2217) on 9 August 2017, while stationed in [REDACTED] with an effective date of departure of October 2017. Furthermore, no "ultimate activity" was listed.

Petitioner was issued official modification to change duty orders (BUPERS order: 2217) on 6 January 2018 vice 3 November 2017. Furthermore, Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of February 2018.

Note: Petitioner will submit a supplemental travel claim with all required documents to include a copy of this letter through appropriate administrative channels for reimbursement of government transportation. Settlement of claim is chargeable to the line of accounting on the Petitioner's BUPERS order: 2217. Furthermore, Defense Finance and Accounting Service (DFAS) will complete an audit of Petitioner's records to determine if entitlements were paid correctly.

That no further changes be made to Petitioner's naval record.

That a copy of this report of proceedings 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.

5/4/2022

[REDACTED]

Deputy Director

[REDACTED]