



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

█
Docket No. 4181-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █
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Ref: (a) 10 U.S.C. § 1552
(b) The Joint Travel Regulations

Encl: (1) DD Form 149 w/attachments
(2) BUPERS Order: 3608, 26 Dec 18
(3) Modification to BUPERS Order: 3608, 19 Feb 19
(4) History of assignments
(5) Federal Packing Land Work Order, 7 Aug 19
(6) Certified Automated Truck Scales receipt, 8 Aug 19
(7) Certified Automated Truck Scales receipt, 9 Aug 19
(8) Certified Automated Truck Scales receipt, 15 Aug 19
(9) Certified Automated Truck Scales receipt, 16 Aug 19
(10) COMNAVSUPSYSCOM/Tier One Relocation email, 9 Jun 22
(11) COMNAVSUPSYSCOM/Tier One Relocation email, 13 Jun 22
(12) Advisory Opinion by NSSC, 5 Jul 22
(13) Petitioner's rebuttal to Advisory Opinion, 4 Aug 22
(14) PPTAS printout, 23 Aug 22
(15) PPTAS Transaction Summary printout

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, hereinafter referred to as the Board, requesting that his naval record be corrected to reflect an excess weight charge of Petitioner's Household Goods (HHG) shipment executed during August 2019 of 1,300 pounds, with financial adjustment of applicable debt due to the excess weight.

2. The Board reviewed Petitioner's allegations of error or injustice on 25 August 2022 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board included the enclosures, relevant portions of Petitioner's naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all of the evidence of record pertaining to Petitioner's allegations of error or injustice, finds as follows:

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[REDACTED]

a. On 26 December 2018, Petitioner was issued official change duty orders while stationed in [REDACTED], with an effective date of departure of January 2019. Petitioner's ultimate activity was [REDACTED], for duty with an effective date of arrival of 21 January 2019. See enclosure (2). A modification to those orders was issued on 19 February 2019 with an effective date of departure of March 2019. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 18 March 2019. See Enclosure (3).

b. On 8 March 2019, Petitioner departed from his previous assignment, and reported for duty at his new assignment on 11 March 2019. See Enclosure (4).

c. On 7 August 2019, Federal Warehouse Company, Federal Packing Land Work Order was issued to pack Petitioner's HHGs, with a main pick up location in [REDACTED], and a main delivery location in [REDACTED]. The weight reflected on this work order was 10,300 pounds. See Enclosure (5).

d. On 8 August 2019, a Certified Automated Truck (CAT) Scales receipt was issued at [REDACTED], reflecting a gross weight of 33,580 lbs. See Enclosure (6).

e. On 9 August 2019, a CAT Scales receipt was issued at [REDACTED], reflecting a gross weight of 49,900 pounds.¹ See Enclosure (7).

f. On 15 August 2019, a CAT Scales receipt was issued at [REDACTED], reflecting a gross weight of 62,420 pounds. See Enclosure (8).

g. On 16 August 2019, a CAT receipt was issued at [REDACTED], reflecting a gross weight of 44,780 pounds.² See Enclosure (9).

h. By e-mail dated 9 June 2022, a Tier One Relocation representative forwarded Petitioner's inventories and weight tickets to COMNAVSUPSYSCOM. A COMNAVSUPSYSCOM representative replied 43 minutes later that, "It seems difficult to believe that only 8 1/2 pages of inventory weighs 16,320 lbs. Can you please verify that these were the correct weight tickets? Was this the only shipment on the truck?" The Tier One Relocation represented responded approximately an hour later that "the shipment weight is accurate as this shipment was reweighed prior to delivery. Looking that the inventories, it appears to be a large and bulky shipment. Several tool boxes were shipped as well as several rugs and other large items." See enclosure (10).

i. By e-mail dated 13 June 2022, the COMNAVSUPSYSCOM representative notified Tier One Relocation that Petitioner provided a warehouse shipping document for 10,300 pounds, and is questioning why the government was billed for the weight claimed by Tier One Relocation. This e-mail requested a response from Tier One Relocation, but no response is reflected in the record. See enclosure (11).

¹ Comparing this gross weight to the gross weight of the vehicle empty on the day prior, Petitioner's HHG weight was reflected as 16,320 pounds.

² The difference between the full weight taken on 15 August 2019 and the empty weight taken on 16 August 2019 was 17,640 pounds.

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[REDACTED]

j. Petitioner acknowledges that his HHG weight was 1,300 pounds over his authorized weight, but denies that it was 6,000 pounds over his authorization. He asserts that he was never contacted regarding this charged excess weight, and that his wages began to be unexpectedly garnished in the amount of \$500 per month for 14 months in February 2022.

k. Naval Supply Systems Command (NSSC) reviewed Petitioner's application provided the Board with an advisory opinion (AO) by memorandum dated 5 July 2022. The AO stated in pertinent part:

Petitioner exceeded his authorized weight for his 2019 HHG move from [REDACTED] to [REDACTED]. Naval Supply Systems Command requested the weight tickets and inventory sheets from the transportation service provider (TSP). The TSP also conducted a reweigh, and billed the government at the lower weight. Per the Defense Personal Property Program (DP3) Household Goods Tender of Service, paragraph 8.9, the transportation service provider submitted proper weight tickets and inventory sheets to substantiate the weight billed to the government.

The AO recommended that the Board disapprove Petitioner's request for using a lesser weight for his 2019 HHG move. Per the Joint Travel Regulations, paragraph 051306, Petitioner is financially responsible for the excess charges of \$7,026.81 for his 2019 HHG move. The AO further noted that Petitioner may complete a DD Form 2789, Remission of Indebtedness Application, and submit it to the Chief of Naval Personnel (N130C), if this debt creates a financial hardship. See Enclosure (12).

l. By e-mail dated 4 August 2022, Petitioner responded to the above referenced AO, stating that the difference between the gross (empty) weight measured on 16 August 2019 and the gross (full) weight measured on 8 August 2019 was 11,200 pounds, which was at most 2,200 pounds over his HHG weight entitlement.³ See enclosure (13).

m. On 23 August 2022, Personal Property Transportation Audit System listed a net weight of 14,688 pounds.⁴ Petitioner's maximum entitlement weight was 9,000 pounds, so he was 5,688 pounds over his maximum authorized weight.⁵ See enclosures (14) and (15).

³ These two weights both reflected the empty weight of the vehicle used to transport Petitioner's HHGs.

⁴ The billed weight was 16,320 pounds, as reflected in the lower of the two pairs of weight tickets submitted by the TSP. However, 1,632 pounds were subtracted from this total as a "packing discount."

⁵ Per reference (b), the Government may pay the total transportation cost and other applicable charges for any weight that exceeds the weight allowance. The Government must collect the excess costs from the Service member. A Service member must repay the Service for the cost of transporting his or her HHG in excess of the specified weight allowance, unless there is specific authorization for an increased weight allowance, limited to 18,000 pounds. All transportation costs are included in determining excess costs, such as storage, accessorial services, and any other costs that the Government paid to move the HHG. When it is known or suspected that a Service member will exceed the maximum weight allowance before transportation, the Transportation Officer should notify the Service member and the office paying for the transportation. The Service member is financially responsible for the excess weight charges even if the Transportation Officer did not notify the Service member or the Approving Official providing transportation funds of the known or suspected excess weight status before transportation. Permanent Change of Station and Non-temporary Storage Weight Allowances for an E-5 with dependents is 9,000 lbs.

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[REDACTED]

CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board finds the existence of an injustice warranting the following partial corrective action contrary to the AO provided at enclosure (12).

The Board noted that the original packing work order for 7 August 2019 reflected a weight of 10,300 pounds, while the weight tickets provided by the TSP resulted in a billed weight of 16,320 pounds. Based on the weight listed on the 7 August 2019, the Board found it unreasonable that the weight tickets provided by the TSP were so much higher than the original work order weight. Accordingly, the Board determined that Petitioner's HHG shipment was overweight, but only at 10,300 pounds. Petitioner is responsible for the excess charge.

RECOMMENDATION

In view of the above, the Board recommends that Petitioner's naval record be corrected as follows:

That Petitioner's total moved net weight was 10,300 pounds, vice 14,688 pounds.

Note: Petitioner will submit a copy of the Board's approval letter to the Navy Household Goods Audit Team (HHG-AT) with all appropriate HHG documentation for re-adjudication.

That part of the Petitioner's request for corrective action that exceeds the foregoing is denied. The Board cannot determine the amount Petitioner will be charged for the corrected weight.

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

9/20/2022

[REDACTED]

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[REDACTED]

From: Assistant General Counsel (Manpower and Reserve Affairs)

Board Recommendation Approved (I direct the relief recommended by the Board, as reflected above.)

Board Recommendation Disapproved (Relief Denied – I disapprove the Board’s findings and recommendation based upon the AO provided by NSSC.)

9/29/2022

[REDACTED]