



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

[REDACTED]  
Docket No. 4606-22  
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552  
(b) The Joint Travel Regulations (JTR) 2019

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 her naval record be corrected to change official modification to change duty orders (BUPERS order: 0359) issued to attend "A" school and OPINTEL "C" school at IWTC from June to October of 2019 and liquidation of her debt of \$4,765.89.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 13 October 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.

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 4 February 2019, Petitioner was issued official change duty orders (BUPERS order: 0359) with required obligated service to October 2021, while stationed in [REDACTED] with an effective date of departure of June 2019. Petitioner's intermediate (1) activity was STU IWTC, [REDACTED] for temporary duty under instruction with an effective date of arrival of 15 June 2019, and effective date of departure of 18 October 2019.

c. On 9 June 2019, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 15 June 2019 for temporary duty.

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d. On 26 August 2019, Petitioner was issued official modification to change duty orders (BUPERS order: 0359) with required obligated service to June 2022, while stationed in [REDACTED] with an effective date of departure of June 2019. Petitioner's intermediate (1) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 15 June 2019, and effective date of departure of 6 October 2019. Petitioner's ultimate activity was [REDACTED] for duty under instruction with an effective date of arrival of 7 October 2019, with a Projected Rotation Date (PRD) of January 2020.

e. On 26 August 2019, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 26 August 2019 for duty under instruction.

f. On 6 September 2019, Petitioner graduated from Intelligence Specialist Class.

g. On 8 October 2019, Petitioner was issued official change duty orders (BUPERS order: 2819) with required obligated service to November 2022, while stationed in [REDACTED] with an effective date of departure of October 2019. Petitioner's ultimate activity was DIA Joint Staff/J2, [REDACTED] for duty with an effective date of arrival of 9 November 2019, with a PRD of November 2022.

h. On 18 October 2019, Petitioner graduated from Operational Intelligence Analyst course.

i. On 18 October 2019, Petitioner transferred from [REDACTED], and arrived to DIA JNT/J2 on 7 November 2019 for duty.

j. On 4 December 2019, Petitioner was issued by [REDACTED] a Resident Charges/Payments Ledger for the period of 15 June 2019 to 4 December 2019. Petitioner was charged with rental and other service until 18 October 2019.

k. On 24 January 2020, Travel Voucher Summary (DO Voucher No. A37017) was issued and paid for the period of 10 June 2019 to 4 September 2019. Advances/Prior Payments: \$14,212.20. Total Entitlement/Total Charged to Account Class: \$9,446.31. Total Amount Payable: \$-4,765.89/Due U.S.: \$4,765.89. Remarks: "Valid debt. Member was advanced CQ CM 51.50 for temporary duty (TDY) past date of orders modification on 26 August that MC member in the vicinity of their TDY. Member was paid TDY lodging up until the Order modification. The amount was 824.00+1545.+1545./77 for the nightly rate of 50.83. Temporary Lodging Expense (TLE) paid for 10 days after member MC'D for the same nightly rate of 50.83."

l. On 20 April 2022, Travel Voucher Summary (DO Voucher No. A48860) was issued and paid for the period of 10 June 2019 to 17 October 2019. Advances/Prior Payments: \$9,446.31. Total Entitlement: \$10,978.61/Total Charged to Account Class: \$1,532.30. Total Amount Payable/Due Employee: \$1,532.30. Remarks: "Supplemental for single DLA valid debt member was advanced CQ CM 51.50 for TDY past date of orders modification on 26 August that MC member in the vicinity of their TDY. Member was paid TDY lodging up until the orders

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modification. The amount was 824.00+1545.+1545./77 for the nightly rate of 50.83. TLE paid for 10 days after member MC'D for the same nightly rate of 50.83.”

m. On 20 April 2022, Travel Voucher Summary (DO Voucher No. A48861) was issued and paid for the period of 18 October 2019 to 7 November 2019. Advances/Prior Payments: \$2,516.52. Total Entitlement: \$2,554.72/Total Charged to Account Class: \$38.20. Total Amount Payable/Due Employee: \$38.20. Remarks: “Supplemental for corrected dep travel.”

## CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of reference (b)<sup>1</sup> and enclosure (2), the Board finds the existence of an injustice warranting the following partial corrective action. The Board concluded that Petitioner’s BUPERS order: 0359 directed Petitioner to temporary duty under instruction for the period of 15 June 2019 to 18 October 2019. This included 82 days at [REDACTED] and 40 days at [REDACTED] school. Petitioner was issued official modification to change duty orders (BUPERS order: 0359) on 26 August 2019 which removed [REDACTED] school and added Duty - Under Instruction [REDACTED] school as her ultimate activity. As a result of this change, Petitioner was denied her claim for Per Diem because her Duty - Under Instruction was in the same area as her ultimate activity and in accordance with reference (b), her entitlements stopped effective the date of orders. Petitioner executed official change duty orders (BUPERS order: 0359) as directed, including arriving and detaching on the proper dates and graduating from the schools listed in the orders. The Board determined that it cannot liquidate Petitioner’s debt; however, Petitioner’s official modification to change duty orders (BUPERS order: 0359) was issued in error and should be expunged to allow Petitioner to resubmit her travel claim for reimbursement of any funds due to her.

## RECOMMENDATION

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

Petitioner official modification change duty orders (BUPERS order: 0359) issued on 26 August 2019 is null and void.

Petitioner was issued official change duty orders (BUPERS order: 2819) on 8 October 2019, with a required obligated service to November 2022, while on “temporary duty under instruction” vice “duty under instruction” in [REDACTED] with an effective date of departure of October 2019.

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<sup>1</sup> Reference (b), per diem allowance rates are based on the TDY location, stopover point, or other authorized official duty points, but not on the lodging location. Ordinarily, per diem is based on a traveler’s TDY location at 2400 hours (midnight).

TDY location becomes permanent duty station (PDS). When a Service member is on TDY and receives a permanent change of station (PCS) order that makes the TDY location the Service member’s new PDS, the impact on travel allowances is as follows: If the change is effective immediately, per diem at the TDY location stops effective on the day the Service member receives the PCS order.

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[REDACTED]

Note: That any other system entries affected by the Board's recommendation be corrected. Petitioner will submit a supplemental travel claim with all required documents to include a copy of this letter through appropriate administrative channels for reimbursement (Transportation, Per Diem, etc.). Settlement of claim is chargeable to the line of accounting on the Petitioner's BUPERS order: 0359.

The part of Petitioner's request for corrective action that exceeds the foregoing is denied.

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.

10/24/2022

[REDACTED]