



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

██████████
Docket No. 7205-22
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) The Joint Travel Regulations (JTR) 2020
(c) NAVADMIN 217/20, 4 Aug 20

Encl: (1) DD Form 149 w/attachments
(2) BUPERS order: ██████████, 4 Mar 20
(3) History of Assignments
(4) MMPA
(5) Director Medical Services, Naval Medical Center ██████████, 31 Dec 20
(6) Navy Lodge Receipt, 27 Jan 21
(7) Director Medical Services, Naval Medical Center ██████████, 10 Jan 21
(8) Southwest Airlines Itinerary, 21 Jan 21
(9) Amtrak E-ticket, 12 Mar 21
(10) CWT Sato Travel Itinerary, 19 Feb 21
(11) Travel Voucher Summary DOV A89034, 20 Apr 21
(12) Personnel Leading Chief Petty Officer, 29 Apr 21
(13) Travel Voucher Summary DOV A50171, 30 Dec 21
(14) CO, U.S. NAS, ██████████ ltr 7220 N00, 17 Mar 22
(15) MyNavy Career Center email, 7 Jun 22

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 for reimbursement of per diem and lodging for the periods of 31 December 2020 to 20 February 2021.

2. The Board, reviewed Petitioner's allegations of error and injustice on 6 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 enclosures (1) through (15), relevant portions of Petitioner's naval 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. On 4 March 2020, Petitioner was issued official change duty orders (BUPERS order: ██████████) with required obligated service to February 2023, while stationed in ██████████ with an effective date of departure of November 2020. Petitioner's intermediate (1) activity was ██████████ for duty under instruction with an effective date of arrival of 22 November 2020. Petitioner's ultimate activity was ██████████ for duty with an effective date of arrival of 15 January 2021. Enclosure (2).

b. On 4 November 2020, Petitioner transferred from ██████████, ██████████ and arrived to ██████████, ██████████ on 8 November 2020 for temporary duty. Petitioner was charged delay in route/permanent change of station (PCS) for the period of 4 November 2020 to 4 November 2020 (1 day). Enclosures (3) and (4).

c. On 11 December 2020, Petitioner transferred from ██████████, and commences leave in ██████████. Enclosures (1) and (3).

d. On 31 December 2020, Director Medical Services, Naval Medical Center, San Diego notified Petitioner that he had been tested for COVID-19 at Naval Medical Center, ██████████ (NMCSO).¹ This memorandum noted that "If you are operational active duty being tested for pre-deployment purposes, please provide a copy of this memorandum" and further noted that "If you are being tested because of COVID and/or flu-like symptoms, it is recommended that you begin restriction of movement (ROM) immediately following your test today. Note: Members who reside in unaccompanied housing will remain in their assigned rooms until test results are complete and remain on ROM IWA NAVADM 173-20 & 217-20²." Enclosure (5).

¹ Petitioner provided no evidence he tested positive and did not provide a DD Form 689 documenting a positive result and the dates expected to quarantine/isolate in accordance with reference (c).

² Reference (c), this message updates the U.S. Navy COVID-19 Standardized Operational Guidance version 2.0 issued in NAVADMIN 173/20. Restriction of Movement (ROM). General Department of Defense term for limiting personal interaction to reduce risk to the health, safety, and welfare of a broader cohort. ROM is used to minimize risk of individuals encountering COVID-19 contagious individuals, and to prevent personnel who have been in a higher risk area from potentially infecting others. ROM includes isolation, quarantine, and ROM-Sequester.

Minimum action required prior to deployed operations: Mandatory medical screening by a medical provider. Conduct a minimum 14-day ROM-Sequester prior to deployment. Depending on schedule and planned operations, the Naval Component Commander will determine if ROM-Sequester is warranted prior to integrated phase. If traveling Outside the Continental United States and the host nation requires 14-day in-country ROM, Continental United States pre-deployment ROM-Sequester is not required unless the host nation explicitly mandates both. Acceptable ROM-Sequester facilities are ship berthing, living barge, individual barracks/hotel rooms, or personal residence (with limited contact with other residents). Each has pros and cons that must be weighed against unit-specific circumstances and risk. Minimizing contact with others and following public health mitigation measures is critical to successful ROM-Sequester.

Return to Work (RTW) guidance for COVID-19 cases. Operational Units. COVID-19 cases must meet all of the following criteria to RTW: (1) at least 24 hours have passed since resolution of fever without the use of fever reducing medication, (2) progressive improvement in other COVID-19 symptoms as determined by a medical provider, and (3) at least 14 days have elapsed since the symptoms first appeared or since the date of the first positive RT-PCR test if asymptomatic.

Command and Member Notification: The Individual Sick Slip (DD FORM 689) must be used to notify both the member and the chain of command of any test confirmed or presumptive COVID illness, whether symptomatic or not. Section 11 (Disposition) and Section 12 (Remarks) must clearly indicate the medically-recommended disposition, follow up, and quarantine/isolation requirements in accordance with this guidance. The sick slip must also be used to notify asymptomatic members and the chain of command of any PUI or close contact, quarantine, or isolation requirements in accordance with this guidance. Beginning and ending dates of the quarantine/isolation period, symptom-free requirements, and medical follow up must be clearly indicated in section 12 (Remarks).

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e. On 31 December 2020, Petitioner arrived to the Navy Lodge [REDACTED], at [REDACTED], [REDACTED].³ Enclosure (6).

f. On 10 January 2021, Director Medical Services, Naval Medical Center, [REDACTED] notified Petitioner that that he had been tested for COVID-19 at [REDACTED]. Enclosure (7).

g. On 27 January 2021, Petitioner departed the Navy Lodge [REDACTED], at [REDACTED], and departed [REDACTED], [REDACTED], and arrived to [REDACTED] on 27 January 2021. Enclosures (6) and (8).

h. On 21 February 2021, Petitioner departed from [REDACTED], and arrived to [REDACTED] [REDACTED]. Enclosure (9).

i. On 21 February 2021, Petitioner departed from [REDACTED], and arrived to [REDACTED] [REDACTED] and Naval Air Station (NAS), [REDACTED] for duty on 22 February 2021. Enclosures (3) and (10).

j. On 3 March 2021, Petitioner was charged delay in route/PCS for the period of 11 December 2020 to 15 February 2021 (67 days). Enclosure (4).

k. On 20 April 2021, Travel Voucher Summary (DO Voucher No. [REDACTED]) was issued which stated: Member is not entitled to lodging reimbursement while in a leave status 14 December 2020 to 27 January 2021. For reimbursement of restriction of movement (ROM) lodging 22 February 2021, provide documentation directing member to quarantine due to travel restrictions and list ROM dates in travel itinerary block 15 of travel claim. POV expense incurred while en-route PCS travel is covered/paid under Monetary Allowance in Lieu of Transportation. Enclosure (11).

l. On 29 April 2021, Personnel Leading Chief Petty Officer notified Naval Air Station [REDACTED] a Emergency Management that Petitioner detached [REDACTED] on 4 November 2020, allowing him to report to his I-Stop prior to reporting to NAS [REDACTED] Emergency Management. He also stated that Petitioner was required to be in a ROM status from 31 December 2020 to 23 January 2021. He was not allowed to take leave due to his ROM status and was in contact with the Personnel Leading Chief Petty Officer and his sponsor of his whereabouts and medical status from 24 January 2021 to 26 January 2021. Petitioner returned to [REDACTED] on 27 January 2021 to await transportation to [REDACTED]. He departed on 21 February 2021 from [REDACTED] to arrive in [REDACTED] 22 February 2021. Enclosure (12).

m. On 30 December 2021, Travel Voucher Summary (DO Voucher No. [REDACTED]) was issued which stated: Supplemental for train fare, business class upgrade fee not reimbursable. Member is not entitled to per diem while on leave status 11 December 2020 to 15 February 2021. Enclosure (13).

³ Lodging while in an authorized leave status is not reimbursable.

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n. On 17 March 2022, Commanding Officer (CO), U.S. NAS ██████████ notified the Commander, Navy Personnel Command that in accordance with Assistant Secretary of Defense Memorandum of 13 March 2020, Petitioner is entitlement to Hazardous Duty Pay-ROM. The CO certified that Petitioner was placed under ROM for self-monitoring due to exposure or suspected exposure to COVID-19, and was directed to do so at a facility that was neither provided by the U.S. Government, nor his personal residence in the area of the permanent duty station (PDS). Further stating that payment will be at a flat rate of \$100.00 per day regardless of actual lodging costs, for each day in ROM was ordered, 31 December 2020 to 24 January 2021 (25 days), and certified that government quarters were not available, nor was it previously reimbursed by the U.S. Government. Enclosure (14).

o. On 7 June 2022, Petitioner was notified by MyNavy Career Center that his case was closed with a disposition code of declined. Further noting that Petitioner was in a transient status during inclusive dates and HDP payment is not authorized while in a transient status. Enclosure (15).

p. In his application at enclosure (1), Petitioner contends that in November of 2020 he detached his old PDS (USS ██████████) and reported to I-Stop as indicated in his orders. Upon completing I-Stop, he went on leave in ██████████ and contracted the COVID-19 virus. Petitioner contends that he was mandated to ROM in ██████████ from 31 December 2020 through 24 January 2021, and was told that because he was in an official leave status, he would have to pay out of pocket expense for his hotel room and any meals. Upon completion of ROM, Petitioner claims that he was directed by his old PDS to obtain a flight, out of pocket, back to ██████████ to await a flight to ██████████. He traveled back to ██████████ to await transportation to ██████████ for the period of 27 January 2021 through 21 February 2021. Petitioner further contends that he was not reimbursed lodging or paid per diem because he was considered on leave and not attached to a command, and base lodging was not permitted at the time because both Navy Lodge and Navy Gateway Inn and Suites were not accepting reservations for those not stationed in the ██████████ area, due to the pandemic. Petitioner stated that he did not have a residence in the ██████████ area because he had already executed his household goods move, and requests the Board review all provided documentation and make a determination for reimbursement of per diem and lodging for the periods of 31 December 2020 through 20 February 2021.

MAJORITY CONCLUSION

Upon review and consideration of all the evidence of record, the Board Majority concluded the Petitioner's request warrants favorable corrective action. In this regard, the Majority determined Petitioner was placed under ROM while in leave status, therefore, Petitioner should not have to pay the expenses incurred as a result of executing ROM or use leave for that period. Furthermore, Petitioner returned to his old PDS to arrange for travel to ██████████, therefore, he should not be financially responsible for the time it took to arrange travel.

MAJORITY RECOMMENDATION

In view of the foregoing, the Board Majority recommends the following corrective action:

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Petitioner was issued official modification to change duty orders (BUPERS order: [REDACTED]) with required obligated service to February 2023, while stationed in [REDACTED] with an effective date of departure of November 2020. Petitioner's intermediate (1) activity was [REDACTED] for duty under instruction with an effective date of arrival of 22 November 2020. Petitioner's intermediate (2) activity was [REDACTED] for duty (stopover)⁴ with an effective date of arrival of 31 December 2020. Petitioner's intermediate (3) activity was [REDACTED] for duty (stopover) with an effective date of arrival of 27 January 2021. Petitioner's ultimate activity was [REDACTED], [REDACTED] for duty with an effective date of arrival of 22 February 2021.

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 (Transportation, Per Diem, leave days, etc.). Settlement of claim is chargeable to the line of accounting on the Petitioner's BUPERS order: [REDACTED]

That a copy of this report of proceedings be filed in Petitioner's naval record.

MINORITY CONCLUSION

Upon review and consideration of all the evidence of record, the Board Minority determined that Petitioner's decision to take authorized leave in the [REDACTED] area during the COVID-19 pandemic was a personal choice. Petitioner understood the risk of traveling during this period and that he would be required to complete ROM prior to departing Continental United States. Petitioner had time to complete the ROM if he had returned from his authorized leave and returned to his old PDS. Instead, Petitioner was placed under ROM in [REDACTED] because he took a COVID test and was awaiting the test results. He provided no evidence that his first test was positive and should have been provided a DD Form 689 documenting a positive result and the dates expected to quarantine/isolate in accordance with reference (c). Furthermore, he was tested again 10 days after the first test, completed over 14 more days ROM, and did not provide the results of his second test. In total, Petitioner completed ROM in [REDACTED] for 27 days, without providing any documentation showing his medical status. Finally, Petitioner provided no documentation regarding his time in [REDACTED] from 27 January 2021 to 21 February 2021. There is no explanation of why it took so long to get transportation to [REDACTED] or any communications to/from his old/new PDS regarding what he was directed to do while waiting for transportation.

MINORITY RECOMMENDATION

In view of the foregoing, the Board Minority recommends that no corrective action be taken on Petitioner's naval record.

⁴ Reference (b), reimbursement at Stopover Points: A stopover point is necessary when travel is for more than 1 day. That generally means that lodging is required. Lodging at the stopover point does not include sleeping in the transportation terminal. Per Diem at a stopover point is based on the locality per diem rate at the stopover.

Reimbursement while en-route from Temporary Duty location to home or PDS. Lodging reimbursement for a stopover point en-route to the home or PDS is based on the actual cost of lodging, limited to the lodging portion of the locality per diem at the stopover point.

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

11/3/2022

[REDACTED]

Executive Director

From: Assistant General Counsel (Manpower and Reserve Affairs)

Reviewed and Approved Majority's Recommendation (Grant Relief)

Reviewed and Approved intermediate (2) activity was [REDACTED] for duty (stopover) with an effective date of arrival of 31 December 2020 (Partial Relief)

Reviewed and Approved intermediate (3) activity was [REDACTED] for duty (stopover) with an effective date of arrival of 27 January 2021 (Partial Relief)

Reviewed and Approved Minority's Recommendation (Denied Relief)

11/22/2022

[REDACTED]

[REDACTED]
Assistant General Counsel (M&RA)

Signed by: [REDACTED]