



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

[REDACTED]
Docket No. 8726-22
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) The Joint Travel Regulations (2022)

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 was reimbursed for his Personally Procured Move (PPM).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 8 December 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. 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 agreement, signed by the applicant, to pay the entire transportation cost if a PCS order is not later issued to authorize the transportation.

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

c. On 12 July 2022, Findings of the Physical Evaluation Board Proceedings found Petitioner unfit and recommend Permanent Disability Retirement from Active Duty with a combined disability rating of 70%. The disability was incurred while entitled to receive basic pay. The disability did not occur during a period of unauthorized absence. The disability is not the result of intentional misconduct or willful neglect. The disability did occur after 14 September 1978. Finally, The disability did not result from a combat related injury as defined by Title 26 U.S. Code Section 104(b)(3).

d. On 9 August 2022, Petitioner submitted Leave Request/Authorization (NAVCOMPT Form 3065) requesting retirement leave from 07:30 25 August 2022 to 23:59 27 September 2022. Petitioner's request was approved by cognizant authority on 11 August 2022.

e. On 7 September 2022, Petitioner was issued official Retirement orders (BUPERS order: [REDACTED]) while stationed in [REDACTED] with an effective date of departure of September 2022. Petitioner's home of selection was deferred with an effective date of retirement of 28 September 2022.

f. Petitioner Retired with an Honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 24 March 2009 to 27 September 2022 due to Disability, Permanent.

g. On 18 November 2022, NAVSUP Fleet Logistics Center Norfolk notified Petitioner that paragraph 051302 A of the Joint Travel Regulation states that transportation of HHGs at government expenses prior to the issuance of permanent change of station orders is not authorized. Exception is made when the order issuing authority (Navy Military Personnel Command) or member designated representative provides a written statement that orders are forthcoming, and shipment may be prior to the official issuance of orders.

A review of the documentation supporting the claim shows that Petitioner initiated shipment of his HHGs on 9 August 2022 prior to the 7 September 2022 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 Petitioner's claim.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of reference (b) and enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded per reference (b) HHG allowances are based on the when orders are effective and certain criteria must be met in order to execute HHG transportation before an order is issued. On 12 July 2022, the PEB recommended Petitioner's Permanent Disability Retirement from Active Duty; therefore, Petitioner had reason to believe that official retirement orders were forthcoming.

RECOMMENDATION

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

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

Petitioner's official Retirement orders (BUPERS order: [REDACTED]) were issued on "8 August 2022" vice "7 September 2022".

Petitioner advised to resubmit his personally procured move claim, orders, receipts, and a copy of this Board of Correction of Naval Records' decision to the Household Good Audit Team (HHG-AT) for re-adjudication. The point of contact is the Director, HHG-AT (Code 302), NAVSUP Fleet Logistics Center Norfolk, 1968 Gilbert Street Suite 600, Norfolk, VA 23511-3392 Phone: 757-443-1873 or email at pptas.fiscn@navy.mil.

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.

12/13/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]