



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

██████████  
Docket No. 8735-22  
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) Title 10 U.S.C. § 1552  
(b) The Joint Travel Regulations (JTR) 2017  
(c) The Joint Travel Regulations (JTR) 2020

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 \$5,500 accrued from Temporary Duty (TDY) en-route at TDY activity ██████████.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 5 January 2023 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. On 17 August 2020 Petitioner was issued official change duty orders (BUPERS order: ██████████) with required obligated service to May 2025, while stationed in ██████████ with an effective date of departure of December 2020. Petitioner's intermediate (1) activity was ██████████ for temporary duty with an effective date of arrival of 19 December 2020. Petitioner's intermediate (2) activity was ██████████ for temporary duty under instruction with an effective date of arrival of 4 January 2021. Petitioner's ultimate activity was ██████████ for duty with an effective date of arrival of 30 May 2021, with a PRD of May 2025.

b. On 18 December 2020 Petitioner was issued official modification to change duty orders (BUPERS order: ██████████) with required obligated service to August 2025, while stationed in ██████████ with an effective date of departure of December 2020. Petitioner's intermediate (1) activity was ██████████ for temporary duty with an effective date of arrival of 19 December 2020. Petitioner's intermediate (2) activity was ██████████ for temporary duty under instruction with an effective date of arrival of 4 January 2021. Petitioner's intermediate (3) activity was ██████████ for temporary duty with an effective date of arrival of 15 May 2021. Petitioner's intermediate (4) activity was ██████████ for temporary duty under instruction with an effective date of arrival of 1 June 2021.

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Petitioner's ultimate activity was [REDACTED], [REDACTED] for duty with an effective date of arrival of 31 July 2021, with a PRD of August 2025.

- c. On 19 December 2020 Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 22 December 2020 for temporary duty.
- d. On 15 January 2021 Petitioner's BAH at the without dependents rate for [REDACTED], stopped effective 21 December 2020. Furthermore, Petitioner was authorized BAH at the without dependents rate for [REDACTED], effective 22 December 2020.
- e. On 26 April 2021 Petitioner was issued official modification to change duty orders (BUPERS order: [REDACTED]). Petitioner's intermediate (4) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 1 June 2021. Petitioner's intermediate (5) activity was [REDACTED] for temporary duty with an effective date of arrival of 26 June 2021. Petitioner's intermediate (6) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 4 September 2021.
- f. On 12 May 2021 the Navy Gateway – Inns and Suites, [REDACTED] issued Petitioner a receipt for the period of 12 December 2020 to 12 May 2021. The daily rate was \$99.00 with a balance due of \$0.00.
- g. On 11 May 2021 Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 12 May 2021 for duty.
- h. On 11 June 2021 the [REDACTED] issued Petitioner a receipt for the period of 13 May 2021 to 28 May 2021 and 30 May 2021 to 11 June 2021. The daily rate was \$96.00 with a balance due of \$0.00.
- i. On 11 June 2021 Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 12 June 2021 for temporary duty.
- j. On 27 June 2021 Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 21 July 2021 for temporary duty.
- k. On 19 August 2021 Petitioner signed an Apartment Lease Contract with [REDACTED] for the amount of \$1,004.00 per month. The apartment was located at [REDACTED].
- l. On 23 August 2021 the Candlewood Suites [REDACTED] issued Petitioner a receipt for the period of 11 August 2021 to 23 August 2021 and 30 May 2021 to 11 June 2021. The daily rate was \$96.00 with a balance due of \$0.00.
- m. On 1 September 2021 Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 2 September 2021 for temporary duty.
- n. On 14 September 2021 Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 17 September 2021 for duty.
- o. On 17 September 2021 the Officer in Charge, [REDACTED] stated that Petitioner successfully completed SERE Class 21200, from 6 September 2021 to 17 September 2021.

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p. On 20 September 2021 Petitioner signed a Temporary Lodging Expense (TLE) Allowance Certification (NPPSC [REDACTED]) for the period of 11 August 2021 to 23 August 2021 while at [REDACTED]

q. On 15 November 2021 Travel Voucher (DO Voucher No. [REDACTED]) was issued and paid for the period of 22 December 2020 to 17 September 2021. Total entitlements: \$0.00. Amount paid to traveler: \$0.00. Remarks: member over paid advances. Member was advanced lodging at TDY [REDACTED]. However member did not claim lodging on 1351-2 block 15e or block 18. Provide lodging receipts for [REDACTED] TDY and claim lodging on block 15e or 18. Claim TLE in block 18 and provide CNA. Late fees is not authorized. No amount was paid to GTCC due to.

r. On 3 November 2022 Travel Voucher (DO Voucher No. [REDACTED]) was issued and paid for the period of 22 December 2020 to 17 September 2021. Total entitlements: \$0.00. Amount paid to traveler: \$373.13. Remarks: Member paid supplemental for TDY lodging in [REDACTED] and field duty. Member was over paid advances. Member was advanced lodging at TDY in [REDACTED]. Member not entitled to TDY per diem at intermediate assignment in the same geographic area as the ultimate assignment.

## 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 per reference (b) per diem is not payable at the old or new PDS for TDY en-route in conjunction with PCS travel. However, reference (c)<sup>2</sup> states, "No per diem is authorized if the Service member commutes to the TDY location from the quarters occupied while attached to the old PDS or from the permanent quarters the Service member intends to occupy at the new PDS." While TDY in [REDACTED], Petitioner was not commuting to his future PDS from permanent quarters he intended to occupy at the new PDS. Petitioner lodged at the Navy Gateway Inn and then completed TDY at [REDACTED] before ultimately checking in at [REDACTED]. The Board concluded that in accordance with

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<sup>1</sup> Reference (b), per diem is designed to offset lodging and Meals and Incidental Expenses costs incurred while performing travel, and/or TDY away from the PDS. Per Diem is payable for whole days, except for PDS departure/return days. Per Diem is not authorized for any day that is not a day in a travel status. See Ch 2, Part D. Per Diem rates are based on the TDY location, not the lodging facility location. If a traveler obtains lodging outside the area covered by the TDY location per diem rate for personal preference/convenience, per diem is limited to the maximum rate prescribed for the TDY location. See par. 4130-K if neither Government Quarters nor commercial lodging is available at the TDY location. Per Diem is applicable for all TDY and Permanent Duty Travel periods; except when an Actual Expense Allowance is authorized/approved.

Per Diem is not authorized: At the old/new PDS for TDY en-route in conjunction with (ICW) PCS travel. This applies even if the traveler vacated the permanent residence at the old PDS and was in temporary lodging during the TDY.

Per Diem Authorized: Traveler departs the [REDACTED] Permanent Change of Station (PCS) on 15 June, performs TDY en-route at [REDACTED] 1-31 July, returns TDY en-route to the [REDACTED] 5-15 August, and then completes PCS to [REDACTED] on 31 August. The traveler is authorized per diem at the [REDACTED] (old PDS) 5-15 August. If the traveler had detached on 15 June but performed TDY in [REDACTED] first, no per diem is payable for the TDY in Arlington immediately after detachment.

<sup>2</sup> Reference (c), PCS with TDY at a Location Near, but Outside the Limits of, the Old or New Permanent Duty Station (PDS). Eligibility: This paragraph applies when a Service member is ordered on a PCS with a TDY en-route, and the TDY is near the old or new PDS or the TDY is at or near the homeport when the PDS is a ship or afloat staff. Allowances: No per diem is authorized if the Service member commutes to the TDY location from the quarters occupied while attached to the old PDS or from the permanent quarters the Service member intends to occupy at the new PDS. Old PDS quarters are no longer permanent quarters on or after the PCS Household Goods (HHG) weight allowance transportation date. New PDS quarters become permanent quarters on or after the date the PCS HHG weight allowance shipment is accepted.

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references (b) and (c) Petitioner is authorized Per Diem for his TDY performed from 22 December 2020 to 11 May 2021. DFAS will conduct an audit of Petitioner's financial record once he has resubmitted his travel claim in order to determine the amount Petitioner will receive.

#### RECOMMENDATION

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

Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) on 17 August 2020 with required obligated service to May 2025, while stationed in [REDACTED] with an effective date of departure of December 2020. No "ultimate activity" was listed.

Petitioner was issued official modification to change duty orders (BUPERS order: [REDACTED]) on 18 December 2020. No "ultimate activity" was listed.

Petitioner was issued official modification to change duty orders (BUPERS order: [REDACTED]) on 26 April 2021. Petitioner's ultimate activity was [REDACTED] for duty.

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 lodging, local meals, and incidentals for the period of 22 December 2020 to 11 May 2021. Settlement of claim is chargeable to the line of accounting on the Petitioner's BUPERS order: [REDACTED]. Furthermore, BAH for the period of 22 December 2020 to 11 June 2021 will be deducted once Petitioner has settled his travel.

That part of the Petitioner's request for corrective action that exceeds the foregoing be 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.

1/13/2023

