



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

[REDACTED]
Docket No. 8855-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED], USNR,
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 issued official Separation orders matching the actual start date of terminal leave on 19 June 2022 and that he 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 15 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. On 1 June 2022, Petitioner submitted Special Request/Authorization (NAVPERS 1336/3) requesting R/R permission to terminate participation in current DoD Skillbridge program on 19 June 2022 and approve Terminal Leave in desired post-service employment location beginning 20 June 2022 and ending 11 August 2022. ETS Balance: 60.5 days. Petitioner's request was approved by cognizant authority on 14 June 2022.

c. On 23 June 2022, Navy household goods (HHG) Help notified Petitioner that in regarding capability to move prior to issuance of orders, the Joint Travel Regulations (JTR) specifically addresses in JTR 010206 "Travel and transportation allowances are payable only after valid orders are issued. The order directs travel to, from, or between official points and serves as the

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

basis for the trip and associated reimbursements.” Per the JTR Introduction: “the JTR has the force and effect of law for travelers, and implements statutory regulations”. “Nothing in the JTR authorizes expenditures for purposes not provided for in Congressional appropriations or in law.

To further illustrate NAVSUP PUB 490 which governs all Navy sponsored moves states under item 3.1. No Personal Property (PPTY) or Privately Owned Vehicle (POV) transportation, storage or services of any kind are authorized without a valid Line of Accounting (LOA) to include the standard Document Number (SDN) and valid Transportation Account Code (TAC) on an order authorizing the specific service in accordance with the JTR.

In regard to the reference to JTR 051302 B 1: please see attachments regarding the Navy process for letters of intent. The main reason is assist members to process for overseas screening, passports, housing and childcare, etc. NO accounting data is provided prior to the issuance of orders. Therefore, with no funding to pay for the move, there is no authority to move personal property until the orders are issued.

They did check PEOMS and no separation order was reflected at that time.

d. On 3 July 2022 (08:51), Certified Automated Truck Scale receipt was issued at [REDACTED], [REDACTED] with gross weight of 56,720 lbs., and at (14:41), Certified Automated Truck Scale receipt was issued at [REDACTED], [REDACTED] with gross weight of 59,080 lbs.

e. Petitioner was released from active duty 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 12 June 2017 to 11 August 2022 upon completion of required active service.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of reference (b)¹ 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. Petitioner was authorized to take terminal leave from 19 June 2022 to 11 August 2022, therefore, Petitioner had reason to believe that separation orders would be forthcoming. Petitioner was released from active duty on 11 August 2022, however, he was never issued separation orders.

RECOMMENDATION

¹ Reference (b), 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 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], USNR,
XXX-XX-[REDACTED]

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

Petitioner was issued official separation orders on "1 June 2022."

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.

12/16/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]