



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

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Docket No. 8897-22
Ref: Signature Date

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Dear █:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 28 March 2023. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies. In addition, the Board considered the advisory opinion by the Commander, Naval Supply Systems Command of 2 March 2023 and your response to the opinion.

On 28 August 2008, you signed an Enlistment/Reenlistment Document Armed Forces of the United States (DD Form 4). Your home of record is listed as █.

On 22 December 2012, you signed a Report of Home of Record and Place from Which Ordered to Active Duty (NAVPERS 1070/74). Your home of record is listed as █.

On 23 June 2022, Affordable Movers of the █. Issued you an Interstate Bill of Landing Contract and Order for Service from █ to █ with a total estimated charges of \$16,318.46.

On 24 June 2022, CAT Scale Company issued you a Certified Automated Truck Scale receipt at █ with a gross weight of 24,040 lbs.

In accordance with The Joint Travel Regulations (JTR), A Service member on active duty who is separated from the Service or relieved from active duty under par. 051002, is authorized Household Goods (HHG) transportation, limited to the authorized Permanent Change of Station

(PCS) weight allowance, to the Home of Record (HOR) or Place from Which Called or Ordered to Active Duty (PLEAD), whichever the Service member selects. HHG transportation is authorized from the last or any previous Permanent Duty Station, a designated place, or an authorized storage location. The Service member may transport the HHG between any locations other than those authorized. Any excess costs are the Service member's financial responsibility.

Erroneous advice, or lack of advice, by or from a Government civilian employee or representative does not create an entitlement to reimbursement for or shipment of HHG in excess of the weight allowed by statute.

On 15 July 2022, you were issued official separation orders (BUPERS order: 1962) while stationed in ██████████ with an effective date of departure of January 2023. On 21 July 2022, you signed an Application for Personally Procured Move and Counseling Checklist (DD Form 2278) listing a Personally Procured Move (PPM) move authorized from ██████████ to ██████████ with a maximum authorized weight of 14,500 lbs. and Estimated Constructive Costs of \$20,617.93. On 21 July 2022, counselor signed the form.

On 22 September 2022, BCNR approved your request and corrected the following: "Petitioner's official separation orders (BUPERS order: 1962) were issued on "22 June 2022" vice "15 July 2022."

You resigned with an Honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 22 December 2012 to 2 January 2023 upon completion of required active service. Furthermore, block 7b (Home of record at time of entry) listed ██████████.

On 2 March 2023, Commander, Naval Supply Systems Command notified BCNR that you completed your PPM application with ██████████ as your requested destination. Your HOR/ PLEAD is ██████████. Your last duty station was ██████████, entitling you to a local move. Per JTR, paragraph 052012, a service member may transport their HHG between any locations other than those authorized; however excess costs are the member's financial responsibility. Your entitlement for reimbursement is limited to the cost to your HOR.

The counselor at Joint Personal Property Shipping Office-Southwest (JPPSO-SW) missed the error and approved your PPM application. You hired a moving company with the expectation of a full reimbursement. Your cost for the move was \$15,850.86, however you were reimbursed \$7,975 based on your HOR/PLEAD. JPPSO-SW confirmed you were not properly counseled, putting you into a hardship. Though this may be an injustice, your entitlement does not allow full reimbursement. Per JTR, paragraph 054304.C, erroneous advice does not create an entitlement.

On 3 March 2023, you submitted a rebuttal to the advisory opinion stating, "I do not agree the reference to this paragraph represents my request and it takes the words, 'erroneous advice', out of context relevant to my case. This reference relates to a 'shipment of HHG in excess of the

weight allowed by statute.’ My request to the board is not for a correction having to do with excess weight. In fact, the weight of my shipment was well below my entitlement.”

You requested to be paid for your total PPM authorized expenses \$15850.86, the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that in accordance with JTR, a Service member on active duty who is separated from the Service is authorized HHG transportation, limited to the authorized PCS weight allowance, to the HOR or PLEAD, whichever the Service member selects. A service member may transport their HHG between any locations other than those authorized, however excess costs are the member's financial responsibility. Therefore, you are entitled to reimbursement limited to the cost of shipment to your HOR. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

4/3/2023

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Deputy Director

Signed by: █