



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

[REDACTED]
Docket No. 9449-22
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) DoD 7000.14-R FMR Volume 7A, Chapter 68

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by CNP N130C1, 11 Jan 23
(3) 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 her naval record be corrected to show Petitioner was reimbursed for her hotel bill in the amount of \$3,212.87.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 2 February 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. On 21 January 2021 Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) while stationed in [REDACTED] with an effective date of departure of July 2021. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of August 2021, with a Projected Rotation Date (PRD) of August 2024.

b. On 21 July 2021 Petitioner departed from [REDACTED], and arrived to [REDACTED] and [REDACTED] for duty on 24 July 2021.

c. On 24 July 2021 [REDACTED] issued Petitioner a certificate of non-availability from 14 July 2021 to 26 July 2021.

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d. On 26 July 2021 the Department of the Air Force, [REDACTED] issued memorandum for AMC passengers to please accept their apologies for any inconvenience. The [REDACTED] [REDACTED] has been delayed due to weather. The new departure is scheduled for [REDACTED] at [REDACTED]. They ask commercial carriers and related agencies to please not penalize passengers manifested on this flight for matters that were outside of their control. Passengers on this flight are not at liberty to remove themselves from AMC contracted missions.

e. On 26 July 2021 the [REDACTED] issued receipt with an arrival date of 14 July 2021 and departure date of 26 July 2021. Total Invoice amount of 350,532 yen.

f. On 26 July 2021 Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 2 August 2021 for duty.

g. On 23 August 2022 Petitioner supplemental travel claim ([REDACTED]) was issued with the following description: "Request processing member's supplemental travel claim. Member submitted NP2 but TLE was not paid and member separates in august. All pages of orders are attached including CNA and receipts" and the following comment: "Status changed to closed-error (closed): it appears member is trying to claim Temporary Lodging Allowance (TLA). If that is the case then respectfully have member contact their command for paying TLA entitlements."

h. On 24 August 2022 Petitioner supplemental travel claim ([REDACTED]) was issued with the following description: "Requesting processing of member's travel claim reimbursement. Complete set of orders are attached. We've already submitted but it was not paid out" and the following comment: "Status changed to Closed-Complete (Closed): Settlement Voucher Posted D O Voucher [REDACTED] 27 July 2022 attached is a copy of voucher."

i. On 29 August 2022 Petitioner supplemental travel claim ([REDACTED]) was issued with the following description: "Request processing member's supplemental travel claim. All pages of orders are attached including CNA and receipts" and the following comment: "Status changed to Closed-Complete (Closed): Claim processed and paid on 27 July 2022 in the amount of \$623.94."

j. Petitioner resigned 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 3 June 2014 to 31 August 2022 upon completion of required active service.

k. On 2 September 2022 Petitioner supplemental travel claim ([REDACTED]) was issued with the following description: "Member has seen trying to get reimbursed her TLA from [REDACTED] from 26 July 2021. Please process TLA for member" and the following comment: "Status changed to Closed-Complete (Closed): complete closed TLA is paid overseas, all entitlements paid."

l. On 28 September 2022 Petitioner supplemental travel claim ([REDACTED]) was issued with the following description: "Request processing of member's TLA we have already submitted this via TOPS and salesforce ([REDACTED], [REDACTED], and [REDACTED]). [REDACTED] closed the

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transactions without reimbursing the member. Please see attached for TLA claim pkg. let us know what else is needed in order for SVM to be reimbursed the right amount of TLA.”

m. In advisory opinion, attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner’s application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following partial corrective action. The Board concluded that in accordance with reference (b),¹ TLA period cannot start more than 10 days before the Service member leaves the Permanent Duty Station (PDS) in compliance with a Permanent Change of Station (PCS) order; however, a longer period of TLA is authorized due to delayed departure. Petitioner was delayed due to circumstances beyond her control, therefore, she is entitled TLA for the period of 14 July 2021 until her departure from ██████████ on 26 July 2021. Defense Finance and Accounting Service (DFAS) will determine the actual amount Petitioner will be reimbursed based on what she is authorized.

RECOMMENDATION

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

Petitioner submitted a request for reimbursement of TLA for the period of 14 July 2021 to 25 July 2021 (12 nights), and was approved by cognizant authority

Note: Petitioner must submit a request for reimbursement of TLA, receipts, BUPERS Order 0211, and a copy of this Board of Correction of Naval Records decision letter to DFAS. DFAS will complete an audit of Petitioner’s records to determine if Petitioner is due any back pay.

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.

¹ In accordance with reference (b), TLA is intended to partially pay a Service member for higher than normal expenses incurred by a Service member or dependent while occupying temporary lodging Outside the Continental United States (OCONUS). OCONUS TLA is available when it is necessary for a Service member or dependent to occupy temporary lodging upon arrival at, or immediately before leaving, a PDS OCONUS, or during other periods as specified in this section. Personal inconvenience to a Service member or dependent is never a determining factor. TLA is not intended, and must not be used, for the personal enrichment of a Service member, including authorization or approval of TLA Special (see paragraph 4.10). The TLA period cannot start more than 10 days before the Service member leaves the PDS in compliance with a PCS order, except in the following situations: A longer TLA period is authorized due to delayed departure or the early termination of permanent Government quarters or private-sector housing.

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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.

27/2023

