



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

[REDACTED]
Docket No. 124-23
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) The Joint Travel Regulation (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's official fleet reserve orders (BUPERS order: [REDACTED]) home of selection (HOS) should reflect [REDACTED], [REDACTED] vice [REDACTED], [REDACTED].

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 24 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. 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. A service member's Household Goods (HHG), up to the Permanent Change of Station (PCS) weight allowance, may be placed in special storage when authorized or approved. Storage costs include shipment, drayage, packing, crating, unpacking, and uncrating necessary to place HHG into or remove them from a storage facility. See Chapter 5 for storage facility selection. Special storage cannot be authorized or approved for a Service member who is authorized a "home of selection" allowance and has HHG in Non-temporary Storage (NTS) when recalled to active duty.

b. A service member is authorized Professional Books, Papers and Equipment (PBP&E) when he or she certifies that the PBP&E are necessary for official duty at the next Permanent Duty Station

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(PDS). The next PDS includes the home of record (HOR) or HOS upon leaving the Service. PBP&E must be declared at the origin of the shipment, and must be documented (to include certification or approval) according to Agency or Service transportation procedures.

c. On 5 November 2020 Petitioner was issued official Fleet Reserve orders (BUPERS order: [REDACTED]) while stationed in [REDACTED], [REDACTED] with an effective date of departure of December 2020. Petitioner's place of home of selection was [REDACTED], [REDACTED] with an effective date of retirement 31 December 2020.

d. Petitioner transferred to the Fleet Reserve 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 28 October 1996 to 31 December 2020 upon having sufficient service for retirement. Furthermore, Petitioner's home of record at time of entry was [REDACTED], [REDACTED].

e. On 9 February 2022 the [REDACTED] notified To Whom It May Concern that Petitioner who has history of tracheostomy and tonsillectomy was diagnosed severe obstructive sleep apnea on December 23, 2020 with AHI of 32.4. Oxygen desaturations were noted with a nadir of 1670/o, the time of oxygen saturation less than 88% was 1 hour 47 minutes, Petitioner then proceeded to CPAP titration study on January 27, 2021. During CPAP titration study, at the pressure support of 10 cWP, he still had high AHI, hypoxemia improved, optimal pressure for his sleep apnea was not identified during CPAP titration study. Petitioner started on CPAP therapy with follow-up every 3 months to monitor AHI under CPAP therapy. CPAP therapy improved with CPAP adjustment. Recommend Petitioner to be followed up in sleep center every 6 months for 1-2 years to optimize CPAP therapy.

f. On 10 March 2022 the Office of the Chief of Naval Operations notified Petitioner that this letter is in response to his request of 22 February 2022 for an extension to the time limit for travel and transportation at Government expense to his home of selection incident to his retirement from the Navy on 31 December 2020. If Petitioner has not been provided travel and transportation at Government expense incident to his retirement from the Navy, as authorized in the JTR, paragraphs 051003-A1b (member and dependent travel), and 052013-A1b (household goods transportation) i.e, he has not completed his HOS move, the time limit for Petitioner and his family members to travel to his home of selection and for shipment of household goods is extended through 30 December 2022. The authorization for this extension is in accordance with JTR, paragraphs 051003I1d, and 052013-C1b (Other Deserving Cases). The JTR doesn't allow extension of Petitioner's entitlement to NTS of HHG at government expense beyond the initial one year time limit after active duty termination in connection with retirement or transfer to the Fleet Reserve. All NTS accounts must convert to member's expense upon expiration of entitlement.

g. On 20 April 2022 (08:15) Spaeth Transfer, Inc. certified scales receipt was issued at [REDACTED], [REDACTED] with a destination of [REDACTED], [REDACTED]. Furthermore, it listed a tare weight of 40,040 lbs. and a gross weight of 54,780 on 21 April 2022.

h. On 1 July 2022 [REDACTED] issued Petitioner a driver license listing an address of [REDACTED].

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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 that Petitioner's official Fleet Reserve orders listed [REDACTED] as the home of selection. Petitioner was involved in a lengthy medical study post retirement and was granted an extension to the time limit for travel and transportation by OPNAV N130C. Due to Petitioner subsequently moving his HHG to a different HOS that was listed in his orders, he was denied reimbursement. The Board determined that Petitioner is entitled to an HHG move in conjunction with his retirement and however, in accordance with reference (b), paragraph 051003.B, a service member may select a home that is any place in the United States, therefore, a modification to BUPERS order: [REDACTED] to change his HOS is warranted.

RECOMMENDATION

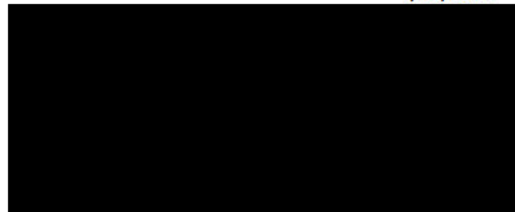
That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner's official Fleet Reserve orders (BUPERS order: [REDACTED]) were issued on 5 November 2020 listed a home of selection of "[REDACTED]" vice "[REDACTED]."

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.

1/30/2023



¹ Reference (b), the Service member's PCS travel and transportation allowances are authorized from the last PDS to a home that he or she selects, known as a HOS. The dependent's PCS travel and transportation allowances are from the last PDS, or the place where the dependent was last transported at Government expense, to the HOS. The Service member may select a home that is: 1. Any place in the United States. 2. His or her HOR outside the United States or the place outside the United States from which the Service member was initially called or ordered to active duty. 3. Any other place. Reimbursement is limited to the PCS travel and transportation allowances to a location in the CONUS that the Service member selects. HOS is the place a service member selects as the service member's home upon retirement, separation, or involuntary discharge.