



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

[REDACTED]
Docket No. 144-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) The Joint Travel Regulations (JTR) 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 reimbursed for a Personally Procured Move (PPM).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 17 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. On 10 December 2021 Petitioner submitted Leave Request/Authorization (NAVCOMPT Form 3065) requesting separation leave from 16:00 6 April 2022 to 23:59 5 June 2022 at [REDACTED]. Petitioner's request was approved by cognizant authority on 17 December 2021.

b. On 29 March 2022 UPack (We Drive. You Save,) issued a bill of lading moving from [REDACTED] with a trailer drop date of 29 March 2022, and thereafter United Vans Lines (Sullivan Moving and Storage Co.) certified scales receipt was issued at [REDACTED] with tare weight of 23,100 lbs. On 1 April 2022 United Vans Lines (Sullivan Moving and Storage Co.) certified scales receipt was issued at [REDACTED] with tare weight of 28,720 lbs.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
[REDACTED]

c. On 6 April 2022 Petitioner was issued official separation orders (BUPERS order: 0962) while stationed in [REDACTED] with an effective date of departure of June 2022. Petitioner's place elected for travel was [REDACTED] with an effective date of 5 June 2022.

d. On 12 April 2022 ABF Freight issued a bill with a pick up date of 31 March 2022 charging \$3,987.00.

e. Petitioner was released active duty and transferred to the Navy 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 6 January 2016 to 5 June 2022 upon completion of required active service.

f. On 13 June 2022 NAVSUP Fleet Logistics Center [REDACTED] notified Petitioner that paragraph 051302 A of the Joint Travel Regulation states that transportation of house hold goods (HHG) at government expenses prior to the issuance of permanent change of station orders is not authorized. Exception is made when the order issuing authority (Navy Military Personnel Command) or member designated representative provides a written statement that orders are forthcoming and shipment may be prior to the official issuance of orders.

A review of the documentation supporting the claim shows that Petitioner initiated shipment of his HHG on 29 March 2022 prior to the [6 April 2022] issue date of his orders. Since shipment was made prior to the issuance of orders, this office has no legal basis to permit payment of Petitioner's claim.

g. On 1 August 2022 the Commanding Officer, [REDACTED] notified To Whom It May Concern that this memorandum is to certify that Petitioner received delayed separation orders and the member was authorized to move his HHG a week prior to terminal leave commencing. Petitioner's orders were forthcoming. Petitioner was separated at the End of Obligated Service in the U.S. Navy honorably and was assigned to [REDACTED].

I certify that the above information is a true report of member's current status as of the date of this memorandum.

h. On 13 January 2023 NAVSUP Fleet Logistics Center [REDACTED] notified BCNR that paragraph 051302 A of the Joint Travel Regulation states that transportation of HHGs at government expenses prior to the issuance of permanent change of station orders is not authorized. Exception is made when the order issuing authority (Navy Military Personnel Command) or member designated representative provides a written statement that orders are forthcoming and shipment may be prior to the official issuance of orders.

A review of the documentation supporting the claim shows that Petitioner initiated shipment of his HHGs on 29 March 2022 prior to the [6 April 2022] issue date of his orders. Since shipment was made prior to the issuance of orders, this office has no legal basis to permit payment of Petitioner's claim.

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 when orders are effective and certain criteria must be met in order to execute HHG transportation before an order is issued. Petitioner was preparing to separate from active duty upon completion of required active service and was authorized to take terminal leave beginning 6 April 2022, therefore, Petitioner had reason to believe that official separation orders would be forthcoming.

RECOMMENDATION

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

Petitioner's official separation orders (BUPERS order: 0962) were issued on "28 March 2022" vice "6 April 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.

1/23/2023

[REDACTED]
Deputy Director
[REDACTED]

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.