



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

[REDACTED]
Docket No. 166-23
Ref: Signature Date

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

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

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 was reimbursed for his rental car while traveling on temporary duty (TDY) orders.

2. The Board, consisting of [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 19 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. 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. Per reference (b), to be reimbursed for rental vehicle an Approving Official (AO) must authorize or approve use of a rental vehicle. A traveler must obtain a rental vehicle through an electronic system when it is available or through the [REDACTED] if it is not available. A compact vehicle is the standard size for official travel, but the AO may authorize or approve a larger vehicle. Travel in and around TDY location: Transportation expense reimbursement in the TDY area may be authorized or approved for travel between lodging and duty site, duty sites and lodging, or duty site and dining facility. The AO may authorize or approve the most economical transportation mode at the TDY location that meets the mission requirements. The transportation mode must be specified in the travel order if it is authorized before travel begins. When authorized or approved, a traveler using commercial

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transportation may receive reimbursement for local public transit system fares, taxi fares, or rental vehicle costs when using a rental vehicle is more advantageous to the Government.

c. On 6 November 2020, Petitioner was issued official change duty orders (BUPERS order: 3110) with required obligated service to May 2024, while stationed in [REDACTED] with an effective date of departure of March 2021. Petitioner's intermediate (1) activity was [REDACTED] for temporary duty with an effective date of arrival of 18 March 2021. Petitioner's intermediate (2) activity was [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 5 April 2021. Petitioner's ultimate activity was [REDACTED], [REDACTED] for duty with an effective date of arrival of 30 May 2021, with a Projected Rotation Date (PRD) of May 2024.

d. On 9 April 2021, Petitioner was issued official modification to change duty orders (BUPERS order: 3110) with required obligated service to August 2024, while stationed in [REDACTED] with an effective date of departure of June 2021. Petitioner's intermediate (1) activity was [REDACTED] for temporary duty with an effective date of arrival of 19 June 2021. Petitioner's intermediate (2) activity was [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 6 July 2021. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 30 August 2021, with a Projected Rotation Date (PRD) of August 2024.

e. On 4 June 2021, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 10 June 2021 for temporary duty.

f. On 5 June 2021, [REDACTED] issued Petitioner an Invoice ([REDACTED]) with a pickup date of 5 June 2021 ([REDACTED] International Airport) with a return date of 5 July 2021 ([REDACTED] International Airport). Vehicle Class Charged for a Full Size 4 door/Automatic/Air. Vehicle Class Driven was Sporty Car 2 door/Automatic/Air. Vehicle Class Charged for full size 4 door/automatic/air. Total charges for the rental was [REDACTED].

g. On 5 July 2021, [REDACTED] issued Petitioner an Invoice ([REDACTED]) with a pickup date of 5 July 2021 ([REDACTED] International Airport) with a return date of 31 July 2021 ([REDACTED] International Airport). Vehicle Class Charged for a Full Size 4 door/Automatic/Air. Vehicle Class Driven was Sporty Car 2 door/Automatic/Air. Vehicle Class Charged for full size 4 door/automatic/air. Total charges for the rental was [REDACTED].

h. On 30 July 2021, Petitioner was awarded NEC 826A (Correctional Custody Specialist Ashore).

i. On 30 July 2021, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 24 August 2021 for temporary duty.

j. On 31 July 2021, [REDACTED] by [REDACTED] issued Petitioner a checkout statement for the period of 6 June 2021 to 31 July 2021 with a daily rate of \$129.00.

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k. On 9 September 2021, Petitioner was charged with delay enroute for the period of 30 July 2021 to 22 August 2021 (24 days) based on Master Military Pay Account (MMPA).

l. On 12 January 2022, Travel Voucher Summary (DO Voucher No. A58691) was issued and paid for the period of 8 June 2021 to 31 July 2021. Advances/Prior Payments: \$0.00. Total Entitlement/Total Charged to Account Class: \$[REDACTED]. Total Amount Payable: \$\$[REDACTED]/Due Employee: \$.00. Remarks: "OMN SDNs: [REDACTED]. Rental car and expenses not reimbursed due to not authorized on orders. Constructed itinerary-orders endorsed 10 June 2021.

m. On 13 February 2022, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 14 February 2022 for duty.

n. On 12 September 2022, Petitioner sent an email to PERS-40CC stating that he had been trying to get this through for a year since getting orders to deployed ships and going on [REDACTED] From 6 June 2021 to 31 June 2021 he was TDY to [REDACTED] Annex for class. He was unable to stay on base and he received a Certificate of Non-availability (CNA) which was attached. The closest hotel available was in [REDACTED] that was 22 miles North of base. There was no shuttles or transportation available, his only option was a rental car.

o. On 12 September 2022, PERS-40CC notified Petitioner that they don't have any record of ever receiving an official rental car [REDACTED] request for him and they are really confused on why he never forwarded the attached word document to his supporting admin office or ever contacted PERS-40CC office or his Detailer until now.

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 BUPERS order: 3110 was issued on 6 November 2020. Petitioner did not inquire about lodging and transportation at his TDY location in the months prior to the modification of his orders on 9 April 2021 or prior to the execution of his orders. However, there is evidence that a CNA did exist based on the emails between PERS-40CC and himself and the fact that the lodging portion of his travel claim was settled. Petitioner was required to commute to his schoolhouse from his lodging facility, and a rental car would have been more cost effective for the government vice a taxi. Therefore, the Board determined that Petitioner should be reimbursed for the rental of a compact car for a portion of the period he was charged for. Petitioner submitted charges for a rental vehicle for the period of 5 June 2021 to 5 July 2021 and from 5 July 2021 to 31 July 2021. Based on DO Voucher No. [REDACTED] Petitioner was reimbursed for his lodging beginning 8 June 2021, therefore, the Board concluded that Petitioner is not eligible for reimbursement of a rental vehicle beginning prior to 8 June 2021. Furthermore, Petitioner is only eligible for reimbursement for a rental car until his graduation from his school and the start of his leave on 30 July 2021.

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RECOMMENDATION

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

Petitioner's official change duty orders (BUPERS order: 3110) contained authorization for compact rental car for TDY period of 8 June 2021 to 30 July 2021 while a student with [REDACTED]
[REDACTED]

Note: Petitioner will submit a supplemental travel claim with all required documents to include a copy of this letter through appropriate administrative channels for reimbursement. Settlement of claim is chargeable to the line of accounting on the Petitioner's BUPERS order: 3110.

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.

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]