

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

> Docket No. 1362-23 Ref: Signature Date

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 23 May 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 also considered the advisory opinion by provided to you. You were afforded an opportunity to submit a rebuttal, but did not do so.

On 12 July 2021, you were issued official change duty orders (BUPERS order: ) while stationed at with an effective date of

departure of September 2021. Your ultimate activity was for duty with an effective date of arrival of 30 October 2021, with a Projected Rotation Date of October 2024.

On 21 July 2021, you signed an Application for Shipment and/or Storage of Personal Property (DD Form 1299) listing block 7a(2) (Pounds of professional books, papers, and equipment) 1000 lbs., and block 13 (Remarks) consumables est. 0 lbs. Plasma TV, High Value Items, POA (Origin)

(Des:) Releasing Agent (Origin) POA (Des:) Pounds of Spouse's Professional Books, Papers, and Equipment (PBP&E): 500 Occupation; Work from home.

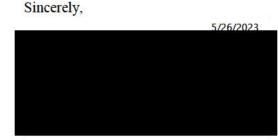
On 23/24 August 2021, Pegasus Forwarding Inc. issued you a Household Goods (HHG) Descriptive Inventory at origin, and at destination (26 November 2021). You and the contractor, carrier or representative certified the document.

On 9 February 2023, and the second se

You requested the recalculation of HHG move to allow for the deduction of weight for damaged and missing items and for PBP&E to show a result in a zero balance and not being overweight. 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 the transportation service provider (TSP) submitted proper weight tickets and conducted a reweigh. The reweigh was lower than the weight at origin and was used as the weight billed. The inventory sheets substantiate the weight billed to the government. Subsequently, the Navy HHG Audit Office re-audited your HHG move using the PBP&E list to lower your weight, which lowered your collections. In accordance with the Joint Travel Regulation (JTR),<sup>1</sup> the Government may pay the total transportation cost and other applicable charges for any weight that exceeds the weight allowance. The Government must collect the excess costs from the Service member. You assert that you had over 100 damaged or missing items and that the items would not have been damaged or missing if they were never moved as ordered by your permanent change of station orders to

Board determined that no further relief is warranted and you are responsible for the cost of the excess weight shipped. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. It is recommended that you submit a Waiver/Remission of Indebtedness Application (DD Form 2789) to the substantial that you submit a Waiver/Remission of Indebtedness a financial hardship. You can contact and at the substantial that we have a substantial that we have a substantial that we have a substantial that you submit a Waiver/Remission of Indebtedness Application (DD Form 2789) to the substantial that you submit a Waiver/Remission of Indebtedness a financial hardship. You can contact we have a substantial that you submit a we have a substantial that you submit a we have a substantial that you submit a Waiver/Remission of Indebtedness Application (DD Form 2789) to the substantial that you submit a Waiver/Remission of Indebtedness a financial hardship. You can contact we have a substantial that you submit a we have a substantial that you submit

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.



<sup>&</sup>lt;sup>1</sup> In accordance with the JTR, the Government may pay the total transportation cost and other applicable charges for any weight that exceeds the weight allowance. The Government must collect the excess costs from the Service member. A Service member must repay the Service for the cost of transporting his or her HHG in excess of the specified weight allowance, unless there is specific authorization for an increased weight allowance, limited to 18,000 pounds. All transportation costs are included in determining excess costs, such as storage, accessorial services, and any other costs that the Government paid to move the HHG. When it is known or suspected that a Service member will exceed the maximum weight allowance before transportation, the Transportation Officer should notify the Service member and the office paying for the transportation. The Service member is financially responsible for the excess weight charges even if the Transportation Officer did not notify the Service member or the AO providing transportation funds of the known or suspected excess weight status before transportation (