



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

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Docket No. 1613-23
Ref: Signature Date

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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 15 June 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 Office of the Chief of Naval Operations (N130C) of 24 April 2023, which was previously provided to you. You were afforded an opportunity to submit a rebuttal, but did not do so.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

In accordance with The Joint Travel Regulation 2022, temporary lodging expense (TLE) is an allowance designed to partially reimburse a service member for the cost of lodging and meals when he or she or a dependent occupies temporary lodging in the Continental United States (CONUS) during a permanent change of station (PCS) move—use the actual amount, without rounding, when computing TLE allowances.

A service member on a PCS living in temporary lodging in the vicinity of the old or new PCS location, home of record, initial technical school, or a designated place may be eligible for a TLE allowance for lodging and meal expenses. The lodgings occupied must be a temporary residence, not a permanent one.

TLE may be temporarily increased for up to 60 days for a PCS move to a new permanent duty station (PDS) in the CONUS if the location was jointly approved by the Secretaries Concerned because the new PDS in the CONUS is in a Presidentially declared disaster area, is experiencing a sudden increase in the number of service members assigned there, or is experiencing a housing shortage that prevents service members from obtaining adequate permanent Government-owned, Government-controlled, privatized, or private sector rental housing. The Secretaries set the dates when the additional days for TLE are effective.

The table listing locations with approved TLE extensions did not list your location as being eligible for TLE extension.

On 21 May 2022, you were issued official change duty orders (BUPERS order: 0802) with required obligated service to September 2026, while stationed at ██████████ with an effective date of departure of July 2022. Your intermediate activity (01) was ██████████ for temporary duty under instruction with an effective date of arrival 9 July 2022. Petitioner's ultimate activity was ██████████ for duty with an effective date of arrival of 19 September 2022, with a projected rotation date of September 2026.

On 5 July 2022, you transferred from ██████████, and arrived to ██████████ on 9 July 2022 for temporary duty.

On 15 August 2022, ██████████ issued you a reservation status of waitlist for the period of 22 August 2022 to 21 September 2022.

On 19 August 2022, you transferred from ██████████ and arrived to ██████████ on 31 August 2022 for duty.

On 6 September 2022, you submitted Special Request/Authorization (NAVPERS 1336/3) requesting to respectfully request to use TLE until your base housing apartment is ready to move in. Your request was approved by cognizant authority on 10 February 2023.

On 19 September 2022, ██████████ issued you a reservation status of waitlist for the period of 21 September 2022 to 22 October 2022.

On 22 September 2022, Memorandum for Senior Pentagon Leadership, Commanders of the Combatant Commands, Defense Agency, and DOD Field Activity Directors made the following change: "service members and families are required to move frequently, and these moves often come with costs that can strain budgets and cause financial uncertainty. Last year, I directed the extension of TLE beyond 10 days for service members and families searching for housing in areas experiencing housing shortages. To further ease the process of PCS moves, I direct the Department to: Permanently increase standard TLE maximum coverage from 10 days to 14 days for CONUS moves and allow up to 60 days of TLE if a service member is in a specified Military Housing Area with a housing shortage. This will give service members and families

significantly more flexibility to secure housing during a PCS move. This will take effect in October 2022”.

On 10 October 2022, █ issued you a receipt for the period of 22 August 2022 to 10 October 2022.

On 18 January 2023, you submitted NAVPERS 1336/3 requesting to use 14 days of TLE. Your request was approved by cognizant authority on 10 February 2023.

On 15 February 2023, you signed a Claim for TLE (DFAS Form 9098) listing your two dependents and lodging information for the period of 22 August 2022 to 10 October 2022 (49 days) at █

You requested to be authorized to use TLE for your entire hotel stay of 49 days. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. Secretary of Defense Memorandum of 22 September 2022, permanently increased TLE maximum coverage from 10 days to 14 days for CONUS moves effective October 2022. Furthermore, it allows up to 60 days of TLE if a service member is in a specified Military Housing Area with a housing shortage. █ was not on the list approved for TLE extension; therefore, the Board concluded that you were authorized 14 days TLE for your PCS move in the CONUS, which you have received. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

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.

Sincerely,

6/21/2023

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