



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

█
Docket No. 4828-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █, USN, █

Ref: (a) Title 10 U.S.C. § 1552
(b) DoD 7000.14-R FMR Volume 7A, Chapter 68

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 effective date of loss from last command was changed to 18 November 2022 and that he received Temporary Lodging Allowance (TLA) for the period of 7 November 2022 through 17 November 2022.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 28 September 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 8 April 2022, Petitioner was issued official change duty orders (BUPERS order: 1082) with required obligated service to October 2025, while stationed at █, █ with an effective date of departure of September 2022. Petitioner's ultimate activity was █, █ for duty with an effective date of arrival of 31 October 2022 with a projected rotation date of October 2025. On 28 October 2022, █ notified COMNAVPERSCOM, Millington TN that they request reporting no later than date be adjusted to 30 November 2022 to grant member authorized travel time in accordance with MILSPERMAN 1320-308.

b. On 4 November 2022, Housing Services Center, Commander, █ stated that the effective date of termination of assignment to Family Housing was 7 November 2022 and on 8 November 2022, Housing issued a claim for TLA for the period of 7 November 2022 to 9 November 2022.

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c. On 8 November 2022, Petitioner transferred from [REDACTED] and on 16 November 2022, CWT SATO travel listed Petitioner's itinerary for 18 November 2022 departing [REDACTED], [REDACTED], [REDACTED] with final arrival to [REDACTED], [REDACTED] on 28 November 2022.

d. On 17 November 2022, Housing issued a claim for TLA for the period of 10 November 2022 to 16 November 2022 and on 18 November 2022, Navy Lodge [REDACTED] issued Petitioner a receipt for the period of 7 November 2021 to 18 February 2022 (11 days).

e. On 29 November 2022, Petitioner arrived to [REDACTED] for duty.

f. On 1 December 2022, Defense Joint Military Pay System/Master Military Pay Account reflects Petitioner was charged leave for delay enroute/Operations Travel from 8 November 2022 to 22 November 2022 (15) days and on 13 December 2022, Defense Joint Military Pay System/Master Military Pay Account reflects Petitioner that Petitioner received TLA for the period of 29 November to 8 December 2022 for 4 dependents.

g. On 8 February 2023, Travel Voucher Summary (DO Voucher No. B18052) was issued and paid on 14 February 2023 for the period of 8 November 2022 to 29 November 2022 (Start Date: 17 November 2022/End date: 28 November 2022). Advances/Prior Payments: \$0.00, Total Entitlement/Total Charged to Acct. Class/Total Amount Payable/Due Employee: \$3,951.66.

h. On 17 March 2023, Petitioner signed a Regular Evaluation Report and Counseling Record for the period of 8 November 2022 to 15 March 2023. This was a Periodic report listing a period of leave of 8 November 2022 to 28 November 2022.

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 there is no reference in the case file that Petitioner was required to stay in Japan after the estimated date of departure of September 2022 reflected in BUPERS order: 1082. However, on 28 October 2022, Petitioner's former command requested that his arrival date at the new permanent duty station (PDS) be changed from 31 October 2022 to 30 November 2022 in order to grant Petitioner authorized travel time. Furthermore,

¹ Reference (b), TLA is intended to partially pay a Service member for higher than normal expenses incurred by a Service member or dependent while occupying temporary lodging Outside the Continental United States (OCONUS). OCONUS TLA is available when it is necessary for a Service member or dependent to occupy temporary lodging upon arrival at, or immediately before leaving, a PDS OCONUS, or during other periods as specified in this section. Personal inconvenience to a Service member or dependent is never a determining factor. TLA is not intended, and must not be used, for the personal enrichment of a Service member, including authorization or approval of TLA Special (see paragraph 4.10). Applicable Situations for a TLA 4.3.1. Situations That Require Temporary Housing. TLA may be authorized during any of the following periods: Immediately preceding departure for a permanent change of station (PCS) from a PDS OCONUS after a Service member vacates Government quarters or private-sector housing in connection with a PCS order. This includes reporting for a TDY at a location within the limits of the old PDS OCONUS (Comp Gen B-208740, January 31, 1983). TLA begins the day temporary lodging is first used and ends on the day before permanent Government quarters, private-sector housing, or privatized housing is reoccupied, or when the OCONUS TLA Authority determines TLA is no longer justified. Time Limitation. The TLA period cannot start more than 10 days before the Service member leaves the PDS in compliance with a PCS order, except in the following situations: A longer TLA period is authorized due to delayed departure or the early termination of permanent Government quarters or private-sector housing. Table 68-10. TLA When Departing a PDS. Rule 2, delayed departure. When the authorized TLA period has begun and actual departure is delayed through no fault of the Service member or dependent, TLA may be authorized or approved by the AO, in increments of 10 or fewer days, for the entire period that temporary lodging is required.

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Petitioner was directed to vacate Government quarters on 7 November 2022 and was granted TLA from 7 to 9 November 2022. Petitioner requested TLA for the period of 10 November 2022 to 16 November 2022 but was denied because he had checked out of his command on 8 November 2022. Petitioner left [REDACTED] on 18 November 2022. Although there is no evidence that Petitioner and his family could not have left the old PDS earlier than 18 November 2022, Petitioner was at his old PDS in [REDACTED] well past the estimated departure date in BUPERS order: 1082. Therefore, the Board determined that it is likely that Petitioner was not at fault for needing to stay at the Navy Lodge until his departure date and Petitioner's date of loss from [REDACTED], [REDACTED] [REDACTED] will be changed to 18 November 2022 in order to authorize TLA for the period of 7 November 2022 to 17 November 2022.

RECOMMENDATION

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

Petitioner was authorized to detach from [REDACTED], [REDACTED] [REDACTED] [REDACTED] on 18 November 2022 vice 8 November 2022.

Petitioner was authorized and charged "Ordinary" vice "Delay enroute/Operations Travel" leave from 8 November 2022 to 22 November 2022 (15) days.

Note: That any other entries affected by the Board's recommendation be corrected.

Petitioner submitted a request for reimbursement of TLA for the period of 7 November 2022 to 17 November 2022 (11 nights), and was approved by cognizant authority. Note: Petitioner must submit a request for reimbursement of TLA, receipts, BUPERS Order 1082, and a copy the Board's decision to the Defense Finance Accounting Service (DFAS). DFAS will complete an audit of Petitioner's records to determine if Petitioner is due any back pay.

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.

10/12/2023

