

DEPARTMENT OF THE NAVY

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

> Docket No. 5477-23 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 31 October 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 considered the advisory opinion by

of 11 August 2023, which was previously provided to you. You were afforded an opportunity to submit a rebuttal, but did not do so.

On 8 February 2022, you were issued official change duty orders (BUPERS order:) while stationed in stationed in stationed in stationed with an effective date of departure of April 2022. Your ultimate activity was stationed in for duty with an effective date of arrival of April 2022 with a projected rotation date of April 2024.

On 22 April 2022, you transferred from and arrived to an an arrived to arrive an an arrived to an an arrive an arrive an an arrive arrive an arrive an arrive arrive an arrive arr

On 19 October 2022, you submitted a request and authorization for TDY (Temporary Duty) travel of DoD Personnel (DD Form 1610) effective 16 December 2022 for 12 days for Dependent Invitational Travel with an estimated total cost of \$2,477.65. It was approved by Authorizing/Order-Issuing Authority on 19 October 2022 with a travel authorization number of

On 23 October 2022, you submitted a request and authorization for TDY travel of DoD Personnel (DD Form 1610) effective 16 December 2022 for 12 days for Dependent Invitational Travel with an estimated total cost of \$2,477.65. It was approved by Authorizing/Order-Issuing Authority on 23 October 2022 with a travel authorization number of **Example**.

On 12 December 2022, CWT Sato Travel issued you a trip Itinerary for your two daughters departing **and the set of the set**

You requested reimbursement for Student Dependent Travel in the amount of \$5,001.22, the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that the Joint Travel Regulation states that a service member is authorized one annual round trip for each dependent student at any time within a fiscal year (October 1 to September 30) between the service member's permanent duty station (PDS) Outside the Continental United States (OCONUS) and the dependent student's school in the United States when a service member meets both of the following conditions: (1) Permanently stationed OCONUS. (2) Accompanied by a command-sponsored dependent at or in the service member's PDS vicinity. Because you were on unaccompanied orders OCONUS you did not meet both conditions. Furthermore, although you were advised otherwise by PERS-4412, the Board determined that it is likely that they advised you without knowing all the relevant facts. Furthermore, the Board must adhere to applicable laws and regulations, therefore the Board determined that you are not entitled to reimbursement for Student Dependent Travel.

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,