



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

██████████
Docket No. 6943-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████, USN,
XXX-XX-██████████

Ref: (a) Title 10 U.S.C. § 1552
(b) The Joint Travel Regulations (2022)

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 authorized a rental vehicle for temporary duty (TDY) at ██████████ in conjunction with official change duty orders (BUPERS Order ██████████) and was reimbursed in the amount of \$3,374.48.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 9 November 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 28 September 2021, Petitioner was issued official change duty orders (BUPERS order: ██████████) with required obligated service to May 2025, while stationed in ██████████, ██████████, with an effective date of departure of March 2022. Petitioner's intermediate (01) activity was ██████████ for TDY under instruction with an effective date of arrival of 9 April 2022. Petitioner's ultimate activity was ██████████ for duty with an effective date of arrival of 4 May 2022 with a projected rotation date (PRD) of May 2025.

b. On 18 January 2022, Petitioner was issued official modification to change duty orders (BUPERS order: ██████████) while stationed in ██████████ with an

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effective date of departure of April 2022. Petitioner's intermediate (01) activity was [REDACTED] for TDY under instruction with an effective date of arrival of 7 May 2022. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 30 May 2022 with a PRD of June 2025.

c. On 4 April 2022, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 9 May 2022 for TDY.

d. On 26 May 2022, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 29 May 2022 for duty.

e. On 28 May 2022, [REDACTED] issued Petitioner an Invoice for the period of 8 May 2022 to 28 May 2022 (20 nights).

f. On 28 May 2022 [REDACTED] issued Petitioner an invoice for the period of 8 May 2022 to 28 May 2022 for a Chevrolet Traverse [REDACTED] Final amount was \$3,374.48.

g. On 9 March 2023, Commanding Officer (CO), [REDACTED] notified Commander, Navy Personnel Command that a modification to permanent change of station (PCS) orders [REDACTED] of 18 January 2022 to include authorization for rental car for Petitioner. Rental car request requirements, PCS orders, lodging non-availability, and MMP printout ICO Petitioner provides amplifying information.¹

h. On 10 March 2023, PERS-40CC notified Command Pay and Personnel Administrator, [REDACTED] that they can't authorize retroactive reimbursement for self-procured rental cars unless member can establish that there was an attempt to request guidance 'on-the-front-end' on how to obtain official authorization. Navy Personnel Command (NPC) would require you to establish that due to admin-error or over-sight made by old PDS or Detailer or training command or ultimate duty station that Petitioner acquired rental car based on miscommunications with one of these parties. They Cc'd the Detailer but, he may have to go through the Board for Corrections of Navy Records process to seek reimbursement if Command Pay and Personnel Administrator not able to establish that there was some sort of admin error that lead to obtaining a rental car without the necessary authorization. Training commands gather students together prior to classing-up to discuss matters such as lodging or per diem or pay or transportation issues. Please let me know "IF" you're able to find anything that supports your attempt to obtain authorization after-the-fact.

i. On 26 March 2023, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 27 March 2023 for duty.

¹ Petitioner reported to [REDACTED] on 9 May 2022 in ACC: 341. He graduated on 26 May 2022. School is physically located at [REDACTED]. His ultimate duty station was [REDACTED]. The CO, [REDACTED] fully endorsed Petitioner's request as he was staying at off-base lodging [REDACTED], which is not within an acceptable distance of 13.3 miles one way. No public transportation was available between lodging and [REDACTED]. He received a non-availability confirmation, and he did not have a POV on island. The CO requested this after-the-fact due to an indebtedness occurring upon the Petitioner's submission of their PCS travel claim.

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CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of reference (b)² and enclosure (2), the Board finds the existence of an injustice warranting the following partial corrective action. The Board concluded that Petitioner was staying at off base lodging which was 13.3 miles from the TDY site. Public transportation was not available and Petitioner did not have his own vehicle. Petitioner did not obtain the proper authorization prior to the execution of his orders, however the Board determined that it was unreasonable to expect Petitioner to pay for his own transportation in the execution of his orders when no other transportation was available and his lodging was 13.3 miles away from the school. Therefore, BUPERS Order: [REDACTED] will be modified to include authorization for a rental car and Petitioner will be reimbursed limited to the government rate the rental vehicle would have cost if it had been obtained through a transportation management company.

RECOMMENDATION

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

Petitioner's official change duty orders (BUPERS order: [REDACTED]) were issued on 18 January 2022 authorizing the use of rental car while on TDY under instruction at [REDACTED] with an effective date of arrival 7 May 2022.

Petitioner authorized rental vehicle during authorized travel and TDY period as stated on the orders with appropriate endorsements – limited to the government rate the rental vehicle would have cost if it had been obtained through a transportation management company. This includes the related taxes and local assessments added in the rental agreement. Fees associated with rental car loyalty points and transfer of points are not reimbursed.

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: [REDACTED].

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.

² Reference (b), to be reimbursed 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 Transportation Management Company 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. A traveler is reimbursed the cost of the authorized or approved rental vehicle. This includes the related taxes and local assessments added into the rental agreement. Fees associated with rental car loyalty points and the transfer of points are not reimbursed. 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, 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 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.

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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.

11/15/2023

