



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

██████████
Docket No. 7102-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER ██████████ R,
██████████

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

Encl: (1) DD Form 149 w/attachments
(2) Subject's naval record
(3) Advisory Opinion by OCNO memo 7220 Ser N130C4/23U1242, 25 Oct 23

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 her naval record be corrected to show she was reimbursed for her household goods (HHG) move from Naval Air Station (NAS) ██████████ to NAS ██████████ which took place from 7 October 2022 to 18 October 2022.

2. The Board, consisting of ██████████ reviewed Petitioner's allegations of error and injustice on 23 January 2024, 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 20 May 2022, Commanding Officer, ██████████ notified Commander, ██████████ via Petitioner, Commander, ██████████, and Commander, ██████████ that, "Per [MILPERSMAN, article 1900-120], this Report of Condition Not Amounting to a Disability in the case of [Petitioner], USN, is forwarded for review and action."

b. On 7 June 2022, Petitioner notified Commander, ██████████ via Petitioner, ██████████, and Commander, ██████████ of First Endorsement on Commanding Officer, ██████████ letter of 20 May 2022. "I have been notified of the right to

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submit comments within 10 days of receipt concerning this report, which will be included as an adverse matter in my official record. I was also notified that those in the endorsement chain may choose to make recommendations or decisions different than those contained in this letter. I decline to make a statement in this endorsement.”

c. On 11 July 2022, Commander, [REDACTED] notified Commander, [REDACTED] via Commander, [REDACTED] of Second Endorsement on [REDACTED] letter of 20 May 2022. “Forwarded, concurring with comments of [REDACTED] Commanding Officer.”

d. On 1 August 2022, Commander, [REDACTED] notified Commander, [REDACTED] of Third Endorsement on [REDACTED] letter of 20 May 2022. “Forwarded for action. After thoroughly reviewing the facts and circumstances of this case, I direct [Petitioner] to show cause for retention in the Naval service in accordance with SECNAVINST 1920.6D and MILPERSMAN 1611-010. I do not recommend [Petitioner] be detached for cause. [Petitioner’s] condition not amounting to a disability warrants promotion delay until her case is resolved.”

e. On 14 October 2022, Petitioner signed an Administrative Remarks (NAVPERS 1070/613) stating the following: “I understand, indicated by my signature below, that I have been authorized No Cost Permissive Temporary Duty (PTDY) travel to [REDACTED] at Naval Air Station [REDACTED] for the purpose of enabling a transition from active duty Naval service in an environment that best ensures the success thereof. This PTDY authorization (reference Standard Document Number 10-1710-01) is issued with the understanding that I will not be entitled to reimbursement for travel, transportation, per diem, or miscellaneous expenses in connection with its execution.”

f. On 12 October 2022, Petitioner was issued a Temporary Additional Duty (TEMADD) Travel Orders (NAVPERS 1320/16) effective 14 October 2022 for 90 days to [REDACTED] NAS [REDACTED] for Temporary Duty in order to enabling transition from active duty Naval Reserve in an environment that best ensures the success thereof. Estimated date of return was 12 January 2023.

g. On 15 December 2022, Deputy Chief of Naval Personnel notified Assistant Secretary of the Navy (Manpower and Reserve Affairs) regarding Petitioner’s Administrative Separation. “[Petitioner] is an unrestricted line officer (General Aviation) with 3 years, 11 months of commissioned service and 4 years, 2 months of total active duty service as of December 31, 2022. She is a probationary officer and was commissioned via the Aviation Officer Candidate Program.”

[REDACTED] letter of 20 May 2022], requested that [Petitioner] be separated from the naval service due to a Condition not Amounting to a Disability (CnD). Specifically, on 3 May 2022, [Petitioner] was recommended for administrative separation due to her diagnosis of Mixed Irritable Bowel Syndrome by a Medical Evaluation Board. [Petitioner] has experienced controllable IBS symptoms since she was a teenager. However, the symptoms worsened to the

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point that she is unable to deploy or resume aviation duties deeming her incapable of continued naval service.

[COMNAVPERSCOM letter of 17 August 2022] notified [Petitioner] of the initiation of administrative proceedings requiring her to separate from the naval service. In response, she acknowledged her rights and submitted a qualified resignation request, [Petitioner's letter of 30 August 2022].

Recommendation. Accept [Petitioner's] qualified resignation request and separate her from the naval service with an Honorable characterization of service, separation code BFV, (condition, not a disability). Recoup community managed bonuses and educational costs, as applicable."

Recommendation was approved by Assistant Secretary of the Navy (Manpower and Reserve Affairs) on 21 December 2022.

h. On 9 January 2023, Petitioner was issued official separation orders (BUPERS Order: 0093) while stationed in [REDACTED] with an effective date of departure of February 2023.

i. Petitioner was discharged with an honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 18 January 2019 to 10 February 2023 for condition, not a disability.

j. On 14 August 2023, Personal Property Audit System Orders Version Report lists, "[Petitioner] moved before Orders date of 01/09/2023. Full Weight ticket dated 10/07/2022. Emailed BCNR documentation to member." Under Separation Orders, it listed HHG Authorized: Yes. Trip Weight for 7 October 2022 was 1,760 lbs.

k. In the advisory opinion, enclosure (3), the office having cognizance over the subject matter addressed in Petitioner's application, and commented in part that "N130C's assessment is that the member is not entitled to reimbursement for her final move. Unless the member is able to provide documentation proving she was miscounseled by either the personal property office or her command, N130 does not recommend that the date of her separation orders be altered."

l. On 25 September 2023, NAVSUP Fleet Logistics Center Norfolk notified the Board that, "[Petitioner] moved before Orders date of [9 January 2023]. Full Weight ticket dated [7 October 2022]."

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that per reference (b),¹ HHG allowances are based on when orders are effective and certain criteria must be met in

¹ Reference (b), HHG allowances are based on the permanent change of station (PCS) order's effective date; although, the HHG may be transported if the HHG authority remains in effect. The weight allowance is based on the grade held on the effective date of the order authorizing the HHG transportation. HHG transportation before a

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[REDACTED]

order to execute HHG transportation before an order is issued. However, the Board noted that in May 2022, Petitioner's Commanding Officer initiated the process to separate Petitioner from the naval service. The Board noted that [REDACTED] letter of 17 August 2022 notified Petitioner of the initiation of administrative proceedings requiring her to separate from the naval service. In response, Petitioner acknowledged her rights and submitted a qualified resignation request (Petitioner's letter of 30 August 2022). On 21 December 2022, ASN (M&RA) approved the recommendation to, "Accept [Petitioner's] qualified resignation request and separate her from the naval service with an honorable characterization of service, separation code BFV, (condition, not a disability) ..." The Board determined that Petitioner naval record clearly documented Petitioner's imminent separation, therefore she had reason to believe that official separation orders would be forthcoming. As such, Petitioner should be reimbursed for her move.

RECOMMENDATION

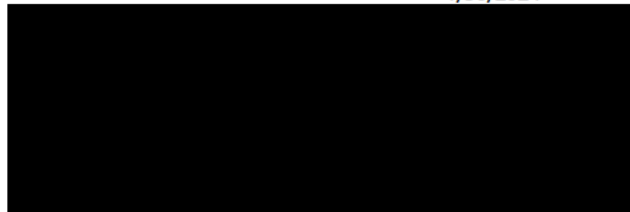
That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner's official separation orders (BUPERS Order: 0093) were issued on "7 October 2022" vice "9 January 2023."

That 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 titled 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.

1/30/2024



PCS order is issued is authorized if the request for transportation is supported by all of the following: a. A statement from the authorizing/Order-Issuing Official (AO) or designated representative that the Service member was advised before such an order was issued that it would be issued. b. A written agreement, signed by the applicant, to pay any additional costs incurred for transportation to another point required because the new permanent duty station (PDS) named in the order is different than that named in the AO's statement. c. A written agreement, signed by the applicant, to pay the entire transportation cost if a PCS order is not later issued to authorize the transportation.