

DEPARTMENT OF THE NAVY

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

> Docket No. 7646-23 Ref: Signature Date



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 13 December 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 Commander, Naval Supply Systems Command letter 5420 Ser SUP 04/089 of 1 November 2023, which was previously provided to you. You were afforded an opportunity to submit a rebuttal, but did not do so.

In accordance with Joint Travel Regulations (JTR), Professional Books, Papers, and Equipment (PBP&E). A Service member is authorized PBP&E when he or she certifies that the PBP&E are necessary for official duty at the next Permanent Duty Station (PDS). The next PDS includes the home of record or home of selection upon leaving the Service. PBP&E must be declared at the origin of the shipment and must be documented (to include certification or approval) according to Agency or Service transportation procedures.

The Service member may request through the Secretarial Process that PBP&E belonging to his or her spouse be shipped at Government expense on a Permanent Change of Station (PCS) move. If approved, the spouse's PBP&E authorized maximum weight is limited to 500 pounds.

On 13 July 2017, you were issued official Fleet Reserve orders (BUPERS Order: 1947) while stationed in the stationed in the state of th

July 2017. Petitioner's home of selection: with an effective date of retirement of 31 August 2017.

You transferred to the Fleet Reserve with an Honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 7 August 1997 to 31 August 2017 upon having sufficient service for retirement.

On 3 September 2021, Office of the Chief of Naval Operations notified you that, "...the time limit for you and your family members to travel to your home of selection and for shipment of household goods is extended through 31 August 2022. The authorization for this extension is in accordance with JTR, paragraphs 051003I1d, and 052013- C1b (Other Deserving Cases).

The JTR do not allow extension of your entitlement to Non-Temporary Storage (NTS) of household goods (HHG) at government expense beyond the initial one-year time limit after active duty termination in connection with retirement or transfer to the Fleet Reserve. All NTS accounts must convert to member's expense upon expiration of entitlement."

On 4 October 2021, you signed an Application for Shipment and/or Storage of Personal Property (DD Form 1299) requesting action be taken to transport or store 11,000 lbs. of HHG in connection with Orders Number 1947. Under block 13 (Remarks), you wrote: "Pounds of Spouse's [PBP&E]: 500. Occupation: Teacher and Transportation Specialist Destination PPSO: (HAFC)".

On 6 July 2023, DPS lists your spouse's Actual Pro Gear Weight as 500 pounds.

On 13 October 2023, you and your spouse signed a Spouse PBP&E Worksheet. The worksheet states, "You must provide this document to your counselor when you submit your shipment paperwork (orders, etc.) or your request will not be forwarded to the Approving Authority for consideration. Spouse PBP&E will not be considered after the move has been completed." You listed your spouse's PBP&E on the inventory sheets from the move you conducted on 29 October 2021. You certified that the weight of your spouse's PBP&E was 452.9 lbs. This form was signed by Approving Authority on 17 October 2023.

You requested approval of 500 lbs. for your spouse's PBP&E in connection with your 2021 HHG move. 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 you were not credited for your spouse's PBP&E because you did not submit the required form prior to your move. In accordance with JTR, the Secretarial Process may authorize a PBP&E weight allowance not to exceed 500 lbs., which belongs to the member's spouse on a PCS move. PBP&E must be declared at the origin of the shipment and must be documented (to include certification or approval) according to Agency or Service transportation procedures. Furthermore, in accordance with the Spouse PBP&E Worksheet you signed nearly two years after the fact, Spouse PBP&E will not be considered after the move has been completed. However, the Navy HHG Audit Office gave you credit for the 453 lbs. of PBP&E you claimed on the worksheet. This reduced the amount of excess weight to 64 lbs. The Board determined

that your spouse's PBP&E has been credited appropriately and that no change to your record is warranted. 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.

