

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2021-03614

XXXXXXXXXXXXX (DECEASED MEMBER)

**COUNSEL:** NONE

XXXXXXXXXXXXX (APPLICANT)

**HEARING REQUESTED:** NO

### APPLICANT'S REQUEST

Correct the deceased service member's record to reimburse the applicant for her final household goods move to XXXXX.

### APPLICANT'S CONTENTIONS

She was incorrectly briefed on the payment of her move. She should have been made aware the fund cite on the DD Form 1300, *Report of Casualty*, was being used. She was not briefed she would not be authorized a move at Air Force expense after one year of her spouse's death.

Her spouse passed away on 7 Dec 19. Their family was staying with her spouse's parents in XXXXX during his treatment, while he was on a Permanent Change of Station (PCS) from XXXXX to XXXXX. The household goods were in storage and later sent to her new home in XXXXX. Within one year of her spouse's passing, she moved to XXXXX to be closer to her family. The household goods (HHG) shipment should have processed with the PCS move fund cite; therefore, she is requesting reimbursement for her move to XXXXX.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is the widow of a deceased Air Force technical sergeant (E-6).

On 13 Feb 10, according to documentation provided by the applicant, the service member and applicant were married.

On 28 May 19, according to AF Form 899, *Request and Authorization for Permanent Change of Station – Military*, Special Order No. XXXXX, the service member was directed to a PCS from XXXXX to XXXXXX, with a report date of not later than 30 Aug 19.

On 14 Jun 19, according to AF Form 348, *Line of Duty Determination*, the service member was first provided treatment for his illness in XXXXXX.

On 17 Jun 19, according to DD Form 1610, *Request and Authorization for TDY Travel of DoD Personnel*, Travel Order Number XXXXX, the service member was directed to temporary duty travel from XXXXX to XXXXX.

On 24 Jun 19, according to AF IMT 973, *Request and Authorization for Change of Administrative Orders*, Special Order Nos. XXXXX and XXXXX, the service member's PCS order, XXXXX, dated 28 May 19, was totally revoked.

On 7 Sep 19, according to AF Form 348, *Line of Duty Determination*, dated 11 Dec 19, the service member was diagnosed with aggressive B-cell Lymphoma.

On 7 Dec 19, according to DD Form 1300, *Report of Casualty (Final)*, dated 10 Jan 20, the service member passed away due to B-cell Lymphoma converted to Leukemia.

On 10 Oct 20, according to documentation provided by the applicant, she made payment to Atlas Van Lines in the amount of \$8,350.32.

On 26 Oct 20, according to documentation provided by the applicant, she made payment to Atlas Van Lines in the amount of \$3,463.47.

For more information, see the excerpt of the applicant's record at Exhibit B and the advisory at Exhibit C.

### **APPLICABLE GUIDANCE/AUTHORITY**

Joint Travel Regulation (JTR), 052010. *HHG Transportation Due to Medical Travel or the Death of a Service Member*. When a Service member on active duty OCONUS transfers to a hospital in the CONUS for observation or treatment, the HHG may be transported from any authorized place to the hospital. All or part of the HHG may be transported and placed in NTS. Any HHG in storage when the Service member is hospitalized may stay in storage. For the initial movement involving return from OCONUS to the hospital in the CONUS, the receiving hospital's commanding officer's statement that observation or treatment is expected to be prolonged is not required.

### **AIR FORCE EVALUATION**

PPA HQ/LHE recommends granting the application. The service member was issued a PCS order to relocate from XXXXX for XXXXX, but prior to his family's departure, he became terminally ill and the order was revoked; however, it should have been rescinded. The HHG shipment was in transit and was stopped and placed in non-temporary storage in XXXXX. A temporary duty order was issued to allow the service member to receive treatment in XXXXX, closer to his family. On 7 Dec 19, the service member passed away, and the HHG was moved to the applicant's interim residence in XXXXX.

The JTR implements policy and laws establishing travel and transportation allowances of Uniformed Service members and Department of Defense civilian travelers. The transportation community authority is limited to the JTR language. In this case, the HHG move from XXXXX to XXXXX used the fund cite from the DD Form 1300, constituting a final move at the government's expense for the applicant.

Based on the documentation provided by the applicant and analysis of the fact, there is evidence of an injustice in that the HHG should have been allowed to continue to XXXXX. However, the shipment was stopped in XXXXX, and when the HHG were moved to XXXXX, the onward movement should have been in accordance with *Joint Travel Regulations (JTR)*, paragraph 052010-A2, *HHG Transportation Due to Medical Travel or the Death of a Service Member*. Upon the death of the service member, and issuance of the DD Form 1300, the HHG could have been relocated to XXXXX, as the final move, at the government's expense.

The complete advisory opinion is at Exhibit C.

## **APPLICANT'S REVIEW OF AIR FORCE EVALUATION**

The Board sent a copy of the advisory opinion to the applicant on 8 Mar 22 for comment (Exhibit D), but has received no response.

## **FINDINGS AND CONCLUSION**

1. The application was timely filed.
2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, the Board concludes the applicant is the victim of an error and injustice. The Board concurs with the rationale and recommendation of PPA HQ/LHE and finds a preponderance of the evidence substantiates the applicant's contentions. In accordance with the JTR, the movement of the HHG, from XXXXX to XXXXX, should have used the fund cite from the service member's TDY order, leaving the fund cite provided on the DD Form 1300 to cover the final move of HHG to XXXXX. Therefore, the Board recommends correcting the applicant's records as indicated below.

## **RECOMMENDATION**

The pertinent military records of the Department of the Air Force relating to MEMBER be corrected to show:

a. In accordance with the Joint Travel Regulation, paragraph 052010-A2, household goods were moved from XXXXX to XXXXX utilizing the fund cite from AF Form 1610, *Request and Authorization for TDY Travel of DoD Personnel*, Travel Order Number XXXXX, dated 17 June 2019.

b. The household goods movement from XXXXXX to XXXXX, was funded by the line of accounting on the DD Form 1300, *Report of Casualty*, dated 10 January 2020, at the government's expense.

c. APPLICANT should be reimbursed completely in the amount of \$11,813.79.

## **CERTIFICATION**

The following quorum of the Board, as defined in Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2021-03614 in Executive Session on 19 May 22:

, Panel Chair  
, Panel Member  
, Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 15 Oct 21.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, PPA HQ/LHE, w/atchs, dated 8 Mar 22.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 8 Mar 22.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by AFI 36-2603, paragraph 4.11.9.

**X**

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Board Operations Manager, AFBCMR