

RECORD OF PROCEEDINGS

IN THE MATTER OF:

XXX X. XXXX

INDICATED

DOCKET NUMBER: BC-2022-01679

COUNSEL: NONE

HEARING **REQUESTED:** **NOT**

APPLICANT'S REQUEST

He be reimbursed for his Personal Procured Move (PPM) from XXXX to XXXX.

APPLICANT'S CONTENTIONS

When he received notification of his orders, he decided he would perform a full PPM. The deciding factor was due to the faults of the moving companies that are contracted by the Traffic Management Office (TMO). The resources that the companies use to provide a good service are scarce, and he did not want to risk his family being without their Household Goods (HHG). His family is part of the Exceptional Family Member Program (EFMP) and cannot go without certain HHGs. He moved his family five days prior to receiving his hard-copy Permanent Change of Station (PCS) orders due to housing restraints and hardships surrounding the local areas. His leadership was in contact with the hiring official of his new position and verbally informed him when he would have hard-copy orders, so he could make a proper decision. His PPM was performed on 30 Mar 22 and 1 Apr 22, with his PCS orders being officially generated 5 Apr 22. Completing the PPM was not easy, he had limited packing supplies, and was wait listed for a moving truck where he did not know availability until the day prior to moving. Additionally, the selling process of his house was sped up and sold sooner than expected; the purchaser was military and deploying two weeks after the purchase. While completing his out-processing checklist there was not tasker for TMO, nor did any of the briefings he went to mention having to go to TMO for anything prior to final out-processing. Therefore, he did not receive any counseling or briefings from TMO prior to his PPM and PCS. He was counseled and approved for his PPM application after his PCS. He has not PCS'd in five and half years and he was not aware that he would not get reimbursed if he moved his family prior to receiving his official orders. Finally, on 15 Jul 22, he submitted a PPA HQ Advisory 22-009 dated 5 May 22, which addresses customer expectation management for the peak HHGs season.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving Air Force technical sergeant (E-6).

On 5 Apr 22, Special Order Number XXXX, authorized the applicant to PCS to XXXX with a report not later than date of 30 Jun 22.

On 3 Jun 22, the applicant's Report on Individual Personnel reflects his duty effective date at XXXX.

On 6 Jun 22, Order Number XXXX, amended Special Order Number XXXX to add a remark stating a family member is EFMP and was medically cleared on 25 May 22.

On 7 Jun 22, according to DD Form 2278, *Application for Personally Procured Move and Counseling Checklist*, provided by the applicant, he was counseled on the PPM responsibilities and conditions.

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

AIR FORCE EVALUATION

PPA HQ/LHE recommends denying the application. The applicant states his senior leadership was in contact with the hiring official at the new Permanent Duty Station (PDS) and verbally informed him of when he would have hard copy of orders so he could make a proper decision. The personnel in the applicant's leadership are not order issuing officials and therefore have no purview as to when orders will be issued. Additionally, the applicant states that he was not aware nor was he ever told in any of his out-processing briefings that he needed to contact TMO for a briefing. However, item 22D on the applicants' order reads as follows: "Upon receipt of orders contact the Traffic Management Office to make arrangements for HHGs shipment and travel." Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice committed on behalf of the transportation community. All PPM transactions performed by the applicant was prior to the issuance of orders; therefore, in compliance with Joint Travel Regulations (JTR), paragraph 010206 there is no authority to approve reimbursement. PPA HQ/LHEs review of the PPM indicated had the orders been issued before the move, his PPM met the intent of the JTR, and would have been reimbursed in accordance with AFI 24-602-V4, *Personal Property Moving and Storage*.

JTR, paragraph 010206 states: Travel and transportation allowances are payable only after valid orders are issued. The order directs travel to, from, or between official points and serves as the basis for the trip and associated reimbursements. A travel authorization or order should be issued before travel begins. Travel or expenses incurred before a travel authorization or order is issued are not reimbursable, unless otherwise stated in the JTR. In unusual or urgent situations when travel must begin before a written authorization or order can be issued, a verbal authorization may be given. In such cases, the verbal authorization must be followed up in writing (called a "confirmatory order") before allowances are paid. A travel order may only contain authority for travel and transportation allowances provided within the JTR. If there is any conflict between a travel order and the JTR, the JTR prevails.

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 31 Aug 22 for comment (Exhibit D), and the applicant replied on 12 Sep 22. In his response, the applicant contended he feels he met the ultimate intent of the regulations, since he received orders, which resulted in a funded move. JTR, paragraph 010206's sole intent is to prevent members from falsely claiming travel pay and intentionally taking advantage of the system, i.e. moving household goods and then having an assignment cancelled, but still expecting government reimbursement. He feels in this case his situation met the Air Force's intent. He received orders and is still authorized the PCS. Due to the backlog with TMO he was required to make some decisions to prevent his family from incurring any financial, physical, or emotional hardships. In regard to the PPA HQ/LHE advisory, his understanding was the new PDS hiring official that posted the job and selected him, was also the issuing official. Item 22D on his orders was not available to him when he made the decision, and his out-processing checklist did not state he had to see TMO. He has provided documentation of the checklist showing that there was nothing pertaining to TMO on it.

The applicant's complete response is at Exhibit E.

ADDITIONAL AIR FORCE EVALUATION

HQ USAF/A1PA recommends granting the application. Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice. Upon review of the applicant's base out-processing checklist, TMO was not one of the options for the applicant to consult before out-processing the base.

The complete advisory opinion is at Exhibit F.

APPLICANT'S REVIEW OF ADDITIONAL AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 24 Oct 22 for comment (Exhibit G), and the applicant replied on 8 Nov 22. In his response, the applicant submitted a memorandum that is signed by his current First Sergeant and himself. He outlines the events that center around his move. Finally, he states his gaining command staff gave him a verbal authorization to make a proper decision for PCS purposes.

The applicant's complete response is at Exhibit H.

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 or injustice. While the Board notes the conflicting advisory opinions prepared in this case;

however, after thoroughly reviewing this application, we concur with the rationale and recommendation of HQ USAF/A1PA, dated 21 Oct 22, and finds a preponderance of the evidence substantiates the applicant's contentions. Therefore, the Board recommends correcting the applicant's records as indicated below.

4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that AF Form 899, *Request and Authorization for Permanent Change of Station – Military*, dated 1 Apr 22, Item 28, *Date*, be changed to reflect 30 Mar 22 versus 5 Apr 22.

CERTIFICATION

The following quorum of the Board, as defined in Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.5, considered Docket Number BC-2022-01679 in Executive Session on 30 Nov 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 10 Jun 22.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory opinion, PPA HQ/LHE, w/atchs, dated 30 Aug 22.
Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 31 Aug 22.
Exhibit E: Applicant's Response, w/atchs, dated 12 Sep 22.
Exhibit F: Additional advisory opinion, HQ USAF/A1PA, w/atchs, dated 21 Oct 22.
Exhibit G: Notification of additional advisory, SAF/MRBC to applicant, dated 24 Oct 22.
Exhibit H: Applicant's Response, dated 8 Nov 22.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by AFI 36-2603, paragraph 4.12.9.

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