



CUI//SP-MIL/SP-PRVCY

**UNITED STATES AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS**

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-01780

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

He be reimbursed for lodging and per diem for evacuation from Tyndall AFB, FL during Hurricane Michael for the period of 9 Oct 18 through 2 Mar 19.

APPLICANT'S CONTENTIONS

He was evacuated from Tyndall AFB due to Hurricane Michael. He and his family took safe haven at five locations; (1) Dothan, AL-Destin, FL; (2) Panama City Beach, FL; (3) Fort Rucker, AL; (4) Navarre, FL; and (5) Fort Walton Beach, FL. However, he was locked into the per diem rate for his third safe haven location (Fort Rucker) when filing his travel voucher. This was unjust and placed a monetary burden on him.

He was instructed to report to Tyndall AFB and Eglin AFB many times to account for damaged and lost equipment and continued working at Eglin AFB. This resulted in him changing his safe haven locations beyond the three locations authorized. Lodging was incredibly limited due to the number of people evacuated, which posed a significant problem with finding a safe haven location to remain at. At some points, he was forced to move more than 80 miles to find available lodging. As a result, he had to pay out of his own pocket for the difference from the local area he was instructed to report to for duty.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 8 Oct 18, the wing commander (WG/CC) issued an evacuation order for Tyndall AFB personnel to relocate to a safe haven defined as within 100 to 500 miles of Tyndall AFB due to Hurricane Michael. Per the order, the applicant and his dependents evacuated on 9 Oct 18.

The applicant's safe haven locations include New Orleans, LA; Gulfport, MS; Dothan, AL; Destin, FL; Panama City Beach, FL; Navarre, FL and Fort Walton Beach, FL. However, his paid travel voucher dated 21 Jun 19 shows he and his dependents received lodging and per diem entitlements for New Orleans for 10 Oct 18, Gulfport for 11 to 13 Oct 18 and Fort Rucker for 14 Oct 18 to 2 Mar 19 (the third safe haven location).

Controlled by: SAF/MRB
CUI Categories: SP-MIL/SP-PRVCY
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

**AFBCMR Docket Number BC-2022-01780
CUI//SP-MIL/SP-PRVCY**

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DD Form 1610, *Request and Authorization for TDY Travel of DOD Personnel*, Special Order dated 8 Sep 18 placed the applicant on temporary duty (TDY) orders from Tyndall AFB to designated safe haven location and return to Tyndall AFB.

AF Form 899, *Request and Authorization for Permanent Change of Station-Military, Special Order*, dated 21 Feb 19 shows the applicant was placed on PCS orders from Tyndall AFB to Eglin AFB, with report not later than date 31 Aug 19.

The applicant's travel voucher summary and the DD Form 1351, *Supplemental Travel Voucher*, undated indicates the applicant was overpaid due to erroneous guidance. Per diem and lodging were overpaid and should have ceased for members that were in place when the PCS order was cut.

On 28 Dec 22, the applicant's case was administratively closed per his request to pursue possible administrative resolution with the Headquarters Air Force Military Compensation Policy Division (AF/A1PA). On 15 Mar 23, the applicant requested the AFBCMR re-open his case as he was unable to obtain a resolution with AF/A1PA.

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

APPLICABLE AUTHORITY/GUIDANCE

The Joint Travel Regulations, Chapter 6, paragraph 060103, Choosing an Evacuation Destination, C(4), For evacuations from the Continental United States (CONUS), an evacuee may request an alternate safe haven in a non-foreign location from the Secretary concerned. Table 6-7. Requests for Alternate Safe Havens, Rule 1, Within a Safe Haven (a) All services must obtain formal permission through the Secretarial process for dependents to receive authorization or approval. (b) The Secretary concerned must determine that circumstances warrant the move before a dependent can receive travel and safe haven allowances based on the alternate location.

AIR FORCE EVALUATION

AF/A1PA (Compensation Policy Division) recommends denial. The applicant was paid based on the approved memorandums. In an attempt to avoid the AFBCMR process, a memorandum was drafted for approval of the additional alternate safe haven locations. However, too much time had passed to understand the reasons for the delay in submitting for approval. Furthermore, in an evacuation, the dependents should remain in one location. After speaking to the applicant, he stated he was unaware there was a process to request alternate safe haven locations and he was also unaware that dependents should remain in one place. The applicant stated communication was through Facebook or text message from the squadron commander (SQ/CC) or his supervisor. He was unaware of the process until he filed an AFBCMR request.

The applicant was recalled from his safe haven location to report for TDY to Eglin AFB to support the F-22 aircraft recovery, squadron stand-up and force structure move decisions. The SQ/CC in a memorandum dated 12 Jun 19 stated personnel assigned to Eglin AFB were approved to maintain evacuation entitlements until their actual in-processing date or up to evacuation order cutoff date (6 Apr 19). Moreover, the SQ/CC stated individuals in a TDY status could not be accommodated by base lodging due to the mass influx of personnel recalled to duty; therefore, off-base lodging was the alternative. Due to this information, he had to get lodging when or wherever it was available, which was scarce.

CUI//SP-MIL/SP-PRVCY

The applicant requests to be paid for his subsequent alternate locations; however, the JTR, Chapter 6, paragraph 060103: Choosing an Evacuation Destination, In most hurricane evacuations, a service member's dependent would be locked into one safe haven location and must request permission for additional locations. While all Continental United States (ALL CONUS) locations were authorized per the amended orders dated 12 Oct 18, the JTR, paragraph 060103.C.1., Choosing an Evacuation When ALL CONUS is Authorized, only one location is authorized, movement after 12 Oct 18 (date of amendment) to new safe haven automatically makes that location the final authorized safe haven location and no further travel or locations will be paid. Both of the SQ/CC memorandums state if a second alternate safe haven is needed, the requester may submit a request to the base finance office. No request was submitted during the time of the evacuation and no request was submitted when the final travel voucher was filed.

During Hurricane Michael, SAF/MRM approved second and third alternate safe haven locations without the member or dependents' request with the option of approval through the Secretarial process for additional locations if needed. After the last SAF/MRM memorandum was signed, the applicant's dependents were locked into the third safe haven location to be paid at government expense. The applicant and his dependents relocated 10 more times due to a lack of lodging available in the area. The scope of the evacuation parameters shorten to 60 miles and then 20 miles. However, the applicant contends finding lodging was impossible to keep for long periods at one location.

The applicant's lodging expenses were 100 percent covered between the applicant and dependents' payments. However, the difference the applicant is seeking is for meals and incidentals for the ten additional alternate safe haven locations. The per diem amounts vary; however, the approximate difference is \$4,600.

Should the Board elect to grant the request, the applicant should be directed to obtain approval for the additional alternate safe haven locations for his dependents per JTR, Chapter 6, paragraph 060103, Choosing an Evacuation Destination, if the CONUS is listed as the safe haven, then an evacuee must select the exact location within the designated geographic area. Requests for permission for an evacuee to move from one safe haven to an alternate safe haven must be processed in accordance with Table 6-7. Rule 1, which states an evacuee must obtain authorization or approval through the Secretarial process for travel expenses and safe haven allowances based on the alternate location.

AF/A1PA provides Defense Office of Hearings and Appeals (DOHA) decision dated 27 Jul 20, which approved on appeal an Air Force member's request for TDY expenses incurred through the date he in-processed at his new permanent duty station (PDS). DOHA determined it was not a deviation from the JTR but a payable claim in accordance with the JTR.

The complete advisory opinion is at Exhibit E.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 22 Aug 23 for comment (Exhibit F) 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 or injustice. While the Board notes the recommendation of AF/A1PA against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant’s contentions. The Board recognizes an evacuation due to a hurricane can be chaotic, lodging availability may be constrained and communication may be limited. The applicant’s case was further complicated with his required return to the base to perform mission essential duties. While the SAF/MRM memorandums dated 17 Oct 18 and 2 Nov 18 included guidance for members to request additional safe haven locations, the Board finds it reasonable given the circumstances, the applicant was not properly made aware of the process to request additional safe haven locations. Accordingly, the Board finds it in the interest of justice to approve the additional safe haven locations per the JTR, Chapter 6, paragraph 060103. 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 he and his dependents were approved for additional alternate safe haven locations (Destin, FL; Panama City Beach, FL; Navarre, FL and Fort Walton Beach) for the period 9 Oct 18 to 2 Mar 19, in accordance with the JTR, Chapter 6, paragraph 060103, Choosing an Evacuation Destination.

CERTIFICATION

The following quorum of the Board, as defined in Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2022-01780 in Executive Session on 19 Oct 23:

<i>Work-Product</i>	Panel Chair
<i>Work-Product</i>	Panel Member
<i>Work-Product</i>	Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 29 Jun 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Admin Close, AFBCMR Email, dated 28 Dec 22.
- Exhibit D: Applicant Re-Open Request, Email, dated 15 Mar 23.
- Exhibit E: Advisory Opinion, AF/A1PA, w/atchs, dated 22 Aug 23.
- Exhibit F: Notification of Advisory, SAF/MRBC to Applicant, dated 22 Aug 23.

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

11/3/2023

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Board Operations Manager, AFBCMR

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AFBCMR Docket Number BC-2022-01780

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