

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2022-02595

XXXXXXXXXXXXXXXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

### APPLICANT'S REQUEST

1. He be reimbursed \$7,500 for the cost of relocating his dependents and household goods (HHG) in conjunction with his retirement.
2. Twenty-six (26) days of leave be restored.

### APPLICANT'S CONTENTIONS

He applied for retirement under the 7-day option policy. He was on an administrative hold and was ordered to continue preparing for his permanent change of station (PCS) while under investigation. The administrative action was found baseless and the hold was rescinded. By this time, he had lived in his camper for a total of four months while the investigation was ongoing. After waiting for four months for his retirement orders, he moved his family into a new home without any assistance from the traffic management office (TMO) or the Air Force. His retirement application was finally approved, and orders were published the following week. Had his orders been processed in a timely manner, the hardship could have been avoided. He could have used his final retirement benefit to fund his move, avoided using leave, and preclude the out of pocket expenses for his in-place retirement.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a retired Air Force master sergeant (E-7).

Per AF Form 899, *Request and Authorization for Permanent Change of Station-Military*, dated 6 Apr 22, the applicant was selected for a PCS assignment with a report not later than date (RNLTDD) of 27 Jun 22.

On 21 Apr 22, the applicant submitted his retirement application in lieu of PCS, effective 1 Feb 23. On the same date, the Air Force Personnel Center (AFPC) informed the applicant he required an extension to his date eligible for retirement from overseas (DEROS) and a waiver of his active duty service commitment (ADSC) for his requested retirement date of 1 Feb 23.

Per AF IMT 973, *Request and Authorization for Change of Administrative Orders*, dated 6 Apr 22, the applicant's PCS orders were revoked.

On 7 Jul 22, the applicant was informed his requested retirement effective 1 Feb 23 was approved and retirement orders were published.

The applicant provides wing inspector general (WG/IG) memorandum dated 13 Jul 22 considering his IG complaint. The applicant was requested to complete AF Form 102, *Inspector General Complaint Form*, and advised upon receipt, they would review his complaint. The applicant did not submit any other documentation pertaining to an IG complaint.

On 3 Aug 22, PPA HQ/PPS informed the applicant there was no authority to reimburse him for his HHG move prior to the issuance of orders. The Joint Travel Regulations (JTR) promulgated from 37 U.S.C. had the same force and effect as Public Law and there were no exceptions or waivers to the JTR provision. The applicant was advised he could seek relief through the AFBCMR. In a response dated 4 Aug 22, the applicant stated the difference between the move and the issuance of orders was one day. He had documentation from AFPC regarding the processing of his orders, which took three months. He could no longer live in his camper and moved his family into their home.

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

### **AIR FORCE EVALUATION**

AFPC/DP3SA recommends denial. The applicant was advised not to make any irrevocable commitments until his retirement application was approved. The applicant was advised multiple times his application was still pending, even by his own admission. However, he moved his family prior to the approval and issuance of his retirement order.

On 21 Apr 22, he initiated an on-line retirement application. The pre-application checklist, which the applicant acknowledged on 21 Apr 22, stated "not to make any irrevocable commitments until the application was approved." The applicant acknowledged in his AFBCMR application he moved his family before his application was approved and retirement orders were issued.

Regarding concerns about the processing timeliness of his retirement application, the pre-application checklist noted processing time was four to six weeks but varied depending on the type and length of any required waivers. His request required an extension of his DEROS and an active duty service commit waiver (ADSC) waiver for a retention bonus that expired on 14 Jun 24. His retirement application could not be processed until justification for the waivers was provided. The justification was provided on 16 May 22. The applicant contacted their office on the status of his retirement application and was repeatedly advised on 1 Jun 22, 10 Jun 22 and 13 Jun 22 that his request was still being processed. His retirement request was approved on 6 Jul 22 and the approval notification was sent to the applicant on 7 Jul 22.

The complete advisory opinion is at Exhibit C.

PPA HQ/LHO recommends denial for reimbursement of a personally procured move (PPM) performed prior to the issuance of retirement orders. The TMO has no authority to arrange HHG moves without a valid order. The JTR states travel and transportation allowances are payable only after valid orders are issued.

The applicant states he spent \$7,500 for his move prior to the issuance of orders; however, he provided no documents such as receipts, rental truck contract, or weight tickets to validate he performed a PPM. Without documented proof of a PPM, there is no way to determine what the government would have paid the applicant had orders been issued prior to the start of the PPM.

The complete advisory is at Exhibit D.

AFPC/DPMSSM Special Programs recommends denial for the restoration of 26 days of leave. The applicant took ordinary leave at his discretion and moved his family prior while being advised not to make any irrevocable commitments until his retirement application was approved.

The complete advisory is at Exhibit E.

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

The Board sent copies of the advisory opinions to the applicant on 10 Nov 22 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 not the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DP3SA, PPA HQ/LHO, and AFPC/DPMSSM and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board finds the applicant was properly advised on multiple occasions to not make any irrevocable commitments prior to the approval of his retirement orders. Further, based on the evidence, the applicant was aware his retirement request required the processing of an ADSC waiver and a DEROS extension. In view of the waivers requested for his voluntary retirement, the Board does not find the processing of the applicant's retirement request was untimely or that it resulted in an injustice to the applicant. While the Board understands the applicant no longer desired to live in his camper, it was his decision to move his family prior to the issuance of orders. With respect to the request for restoration of 26 days of leave, the Board finds no evidence to warrant reinstatement of ordinary leave the applicant voluntarily requested and used prior to his retirement. Therefore, the Board recommends against correcting the applicant's records.

### **RECOMMENDATION**

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

### **CERTIFICATION**

The following quorum of the Board, as defined in Department of the Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2022-02595 in Executive Session on 20 Apr 23:

- , Panel Chair
- , Panel Member
- , Panel Member

All members voted against correcting the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 21 Sep 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SA, dated 17 Oct 22.
- Exhibit D: Advisory Opinion, PPA HQ/LHO, w/atchs, dated 24 Oct 22.

Exhibit E: Advisory Opinion, AFPC/DPMSSM, dated 31 Oct 22.

Exhibit F: Notification of Advisory, SAF/MRBC to Applicant, dated 10 Nov 22.

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