

## **RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2022-03095

XXXXXXXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** YES

### **APPLICANT'S REQUEST**

He be considered for an exception to policy (ETP) for a Personal Procured Move (PPM) completed prior to the issuance of retirement orders.

### **APPLICANT'S CONTENTIONS**

He was advised his lease would not be renewed subject to enforcement as of January 2022. During this time his household goods (HHG) were relocated close to his treatment facility. The PPM was conducted ten months prior to the issuance of retirement.

The applicant's complete submission is at Exhibit A.

### **STATEMENT OF FACTS**

The applicant is a retired Air Force captain (O-3).

On 21 December 2021, according to Notice of Non-Renewal, provided by the applicant, he was advised his lease was not renewed and he had to vacate the premises not later than 31 January 2022.

On 17 November 2022, the applicant, via his local Transportation Management Office, requested an ETP to allow him to be reimbursed for his PPM.

On 17 November 2022, PPA/HQ/PPEC informed the local TMO that transportation allowances are payable only after valid orders are issued. Travel expenses incurred before an order is issued are not reimbursable and informed the applicant he may submit an application to the Board.

On 21 December 2022, according to Special Order No. xxx, dated 8 November 2022, the applicant was relieved from active duty and retired in the rank of captain with a 100 percent disability rating, effective 22 December 2022.

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

### **AIR FORCE EVALUATION**

PPA HQ/LHO recommends denying the application. The applicant is requesting authorization to use his retirement allowance; however, the PPM was completed prior to issuance of his retirement order due to his lease not being renewed. The applicant states he was advised by a legal notice that

his lease would not be renewed subject to enforcement as of January 2022. During this time the applicant elected to relocate his household goods (HHG) close to his treatment facility. The

applicant did not provide any documents to validate the treatment. Joint Travel Regulations (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.

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 any government entity. All PPM transactions performed by the applicant was prior to the issuance of orders; therefore, in compliance with the JTR, paragraph 010206 there is no authority for the transportation to approve reimbursement. Their review of the PPM indicated had the orders been issued before the applicant move his PPM would have met the intent of the JTR and would have been reimbursed in according with AFI 24-602-V4.

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 21 December 2022 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 not the victim of an error or injustice. The applicant states he elected to relocate his HHG close to his treatment facility; however, he did not provide any documents to validate the treatment. Furthermore, as noted above, 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. In view of the forgoing, the Board concurs with the rationale and recommendation of PPA HQ/LHO and finds a preponderance of the evidence does not substantiate the applicant’s contentions. Accordingly, the Board recommends against correcting the applicant’s records.
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 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 Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2022-03095 in Executive Session on 16 February 2023 and 28 February 2023:

Mr., Panel Chair  
Ms., Panel Member  
Ms., Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 26 November 2022.  
Exhibit B: Documentary evidence, including relevant excerpts from official records.  
Exhibit C: Advisory Opinion, PPA HQ/LHO, w/atchs, dated 20 December 2022.  
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 21 December 2022.

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