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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-01817

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COUNSEL: NONE

HEARING REQUESTED: NO

### APPLICANT'S REQUEST

He be given an extension on the time limit for his non-temporary storage (NTS) entitlement at the government's expense.

### APPLICANT'S CONTENTIONS

He applied for an extension of his NTS entitlement and received approval based on his medical treatment. The approval letter then stated he did not meet the criteria for an extension of his NTS entitlement at the government's expense. However, according to the Joint Travel Regulation (JTR), Chapter 5, 052013-C.4, an extension for household goods (HHG) transportation does not change the government's obligation for storage costs for longer than a one-year period from the active-duty termination date except when a longer period is authorized for hospitalization or medical treatment. He reached out in Jan 23 and corresponded with at least five different storage management personnel for assistance. The last person he contacted in an email dated 25 May 23, stated his approved extension was due to a delay in completion of residence, not due to medical. The email which has the attached approval letter, dated 19 Jan 23, stated his extension was approved based on ongoing medical treatment. On 9 Feb 23, additional information was requested to which he replied with letters from his physicians. The medical treatment he is currently under the care for is a total shoulder arthroplasty which has caused nerve numbness and has increased his Department of Veterans Affairs (DVA) disability rating to 100 percent. The letters he submitted from his doctors indicate his left shoulder surgery was performed on 3 Nov 22 and he was undergoing rehabilitation.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a retired Air Force lieutenant colonel (O-5).

On 31 Jan 22, DD Form 214, *Certificate of Release or Discharge from Active Duty*, reflects the applicant was honorably discharged in the grade of lieutenant colonel (O-5) after serving 23 years,

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6 months, and 7 days of active duty. He was discharged, with a narrative reason for separation "Sufficient Service for Retirement."

Dated 19 Jan 23, the letter from the Department of the Air Force Personal Property Activity Headquarters (PPA HQ), provided by the applicant, indicates an extension of his travel and transportation entitlements was approved for member and dependent travel, HHGs, and privately owned vehicles. However, the letter states this approval does not extend his NTS entitlement at the government's expense beyond the initial one-year following active-duty termination.

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 finding no evidence of an injustice or error that would warrant additional time on his NTS. The applicant requested an extension of NTS due to shoulder arthroplasty that was performed in Nov 22 and a delay in the completion of his retirement home with an expected completion date of Feb 24. The request for additional storage was denied based on the fact there was no circumstances beyond the control of the applicant that prevented traveling to his home of selection (HOS) as stated in Comptroller General Decision B-126158, 2 Apr 76. The applicant traveled to and arrived at his HOS on 20 Sep 21 and filed a travel voucher 21 Sep 21. He shipped 10,498 pounds of personal property from [Work-Product] which was delivered to his residence on 1 Nov 21. The applicant has 13,680 pounds in NTS that expired 31 Jan 23. The JTR paragraph 052013, Table 5-53, Item 2 allows for additional storage for the period of time equal to a member's hospitalization or treatment. The approval authority has held hospitalization and treatment one in the same as being hospitalized and/or treated in a hospital. The approval authority does not consider outpatient treatment and inpatient treatment to be equivalent when considering extending the NTS entitlement.

NTS may be extended per the JTR 0518-B.14 when a member qualifies for an extension under JTR 051003-I. Public Law 89-680 dated 15 Oct 66, authorized extending NTS beyond a member's one-year entitlement citing in part; the NTS of baggage and household effects may not be authorized for a period longer than one year from the date the member concerned is separated from the service, retired, placed on the temporary disability retired list, discharged, or released from active duty, except as prescribed in regulations by the Secretaries concerned for a member who, on that date, or at any time during the one-year period following that date, is confined in a hospital, or is in its vicinity, undergoing medical treatment.

An extension of the applicant's transportation of the NTS to the HOS was approved under JTR 051003-I.1.d, *Other Deserving Cases*, due to a delay in construction of retirement home as identified in AFI 24-602V4, *Personal Property Moving and Storage*, Table 4.1, Item 1. The technician that stated the applicant would receive additional NTS under medical does not have the authority to make that determination. All requests for NTS beyond the one-year entitlement are reviewed and approved/disapproved by the supervisor. Upon review by the supervisor, it was explained to the technician, a NTS extension cannot be approved and extend the transportation

based on delay in home build. The technician's statement the extension was for medical was inaccurate; however, the extension letter provided the correct reference.

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 20 Nov 23 for comment (Exhibit D), and the applicant replied on 12 Dec 23. In his response, the applicant contends the law and regulation allow for an extension of his NTS due to his ongoing medical treatment. He disagrees with the advisory opinion the approval authority has held hospitalization and treatment are one in the same as being hospitalized and/or treated in a hospital. His shoulder arthroplasty was performed in a hospital and the rehab afterwards has been in the vicinity. All treatment has been paid for by the government and his surgery resulted in a 100 percent disability rating from the DVA.

The applicant's complete response is at Exhibit E.

## **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 PPA HQ/LHO and finds a preponderance of the evidence does not substantiate the applicant's contentions. Specifically, the Board finds his request for additional storage is not warranted because there were no circumstances beyond his control that prevented traveling to his HOS as stated in Comptroller General Decision B-126158. Furthermore, the JTR allows for additional storage for the period of time equal to a member's hospitalization or treatment period; however, the Board finds the applicant did not qualify for an extension under this provision and concurs hospitalization and treatment are considered one in the same as being hospitalized and/or treated in a hospital when considering extending the NTS entitlement. He was separated from active duty on 31 Jan 22 and did not have his surgery until 3 Nov 22; therefore, the Board finds he had ample time to receive delivery of his NTS goods and his time undergoing rehabilitation does not constitute "hospitalization or treatment period" as outlined in the JTR. Hence, 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 (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2023-01817 in Executive Session on 20 Mar 24:

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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 1 Jun 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, PPA HQ/LHO, w/atchs, dated 20 Nov 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 20 Nov 23.
- Exhibit E: Applicant's Response, w/atchs, dated 12 Dec 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.

3/25/2024

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Board Operations Manager, AFBCMR  
Signed by: USAF