

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 August 2023

DOCKET NUMBER: AR20230000995

APPLICANT REQUESTS: amendment of Orders Number T-07-225632 to authorize entitlement to reimbursement of travel related expenses.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- DA Form 2446 (Request for Orders), 5 July 2022
- Memorandum – Subject: Annual Training with the Defense Contract Management Agency (DCMA) in support of U.S. Southern Command (USSOUTHCOM), 5 July 2022
- Email communication
- Travel Itinerary
- Orders Number T-07-225632, 28 July 2022
- Receipts

FACTS:

1. The applicant states in pertinent part that he is currently serving as an Individual Mobilization Augmentee (IMA). He contests that in 2022, he was ordered to participate in a training exercise at Fort Sam Houston (FSH), TX. However, when the U.S. Army Human Resources Command (AHRC) issued his orders, they were to report to the wrong location (Fort Lee, Virginia.) and failed to amend them to reflect the correct location (FSH) despite multiple requests. He further provides that AHRC is refusing to reimburse him for his travel related expenses (approximately \$3,118.96) because he reported to the location that he was directed to, per the memorandum, rather than to the location on his orders. The agency that he supported during the training exercise is unable to provide reimbursement of his travel related expenses since the cost was not previously projected and AHRC has also denied doing so.

2. A review of the applicant's available service records reflects the following:

- a. On 7 May 2004, the applicant was appointed a Reserve commission.

b. On 31 January 2017, AHRC issued Orders Number C-01-701459 reassigning the applicant to a Troop Program Unit (TPU), effective 31 January 2017.

c. On 25 May 2017, AHRC issued Orders Number C-05-707356 reassigning the applicant to an IMA position with the DCMA, Fort Lee, Virginia, effective 5 June 2017.

d. On 28 July 2022, AHRC issued Orders Number T-07-225632 ordering the applicant to Annual Training (AT) for a period of 12 days plus allowable travel time. The applicant was directed to report to the DCMA, Fort Lee, Virginia on 1 August 2022. He was further advised to contact AHRC if he was unable to comply with the orders. Compliance with this order is required.

3. The applicant provides the following a:

a. DA Form 2446 dated 5 July 2022, reflective of the submitted request for orders from the DCMA to AHRC on behalf of the applicant. The DCMA requested that the applicant participate in annual training from 1-12 August 2022 at FSH, TX.

b. Memorandum – Subject: Annual Training with the DCMA in support of USSOUTHCOM, dated 5 July 2022, reflective of the justification provided by the DCMA in support of the applicant's participation in the training exercise with USSOUTHCOM from 31 July 2022 – 13 August 2022. This document is void of a directed or authorized duty location.

c. Email communication, reflective of the applicant's communication with AHRC (August – October 2022) regarding amendment of his AT orders and travel reimbursement. The applicant was advised that because he traveled to a duty location that was not listed on his orders, per the Joint Travel Regulation, he was not authorized reimbursement of his expenses.

d. Travel Itinerary reflective of the applicant's air travel from Denver, CO to San Antonio, TX on 31 July 2022 and return on 13 August 2022.

e. Receipts reflective of the travel related expenses (fuel, rental car and lodging) incurred by the applicant between 31 July 2022 – 12 August 2022.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's contentions, the military record, and regulatory guidance. In reviewing the supporting documentation, the Board agreed that the applicant was approved for travel to San Antonio to participate in annual training with the Defense

Contract Management Agency in support of U.S. Southern Command. Further, the Board agreed that through no fault of the applicant, the orders received reflected the incorrect location. The Board further considered his status as an Individual Mobilization Augmentee and recognized that that given the immediacy of his travel, there was insufficient time for him obtain proper guidance on how to resolve the conflict prior to the travel. Based on the preponderance of evidence available for review, the Board determined there was sufficient evidence of an error or injustice to warrant a recommendation for relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

■	■	■	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected to show he was authorized for all travel taken and that he be reimbursed all travel and expenses accordingly the exact amount of which to be determined by DFAS.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCE:

Joint Travel Regulation implements policy and laws establishing travel and transportation allowances of Uniformed Service members and Department of Defense (DoD) civilian travelers. Section 010206 (Travel Authorizations and Orders) provides that 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.

a. Travel authorizations and orders cannot be retroactively modified to increase or decrease an allowance after the travel is completed. A travel authorization or order may be retroactively corrected to show the original intent. When an allowance is approved after travel begins, it does not constitute a retroactive modification to create, change, or deny an allowance. An amendment is effective on the date it is issued and is not retroactive unless it contains language that corrects an error or omission or provides a confirmation of the date of the verbal authorization.

b. The per diem allowance is a daily rate meant to cover living expenses. It provides the maximum amount a traveler may be reimbursed for lodging, meals, and incidental expenses. The per diem is based on the rate of the authorized stopover point or official duty location.

c. Per diem allowance rates are based on the Temporary Duty (TDY) location, stopover point, or other authorized official duty points, but not on the lodging location. Ordinarily, per diem is based on a traveler's TDY location at 2400 hours (midnight). If a traveler obtains lodging outside the area covered by the locality rate for the TDY location because of personal preference or convenience, then per diem is limited to the maximum rate prescribed for the TDY location.

//NOTHING FOLLOWS//