

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 March 2024

DOCKET NUMBER: AR20230005659

APPLICANT REQUESTS: reimbursement of evacuation allowances (for Hurricane Ida) for the period August – October 2021 due to his employment with the U.S. Army Cadet Command at Tulane University.

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

- DD Form 149 (Application for Correction of Military Record)
- SF 50 (Notification of Personnel Action)
- Memorandum, Subject: Letter of Lateness for Written Hurricane Ida Evacuation Order, 8 May 2023
- Self-authored letter
- Memorandum, Subject: Evacuation Order (Hurricane Ida), 8 November 2021
- Memorandum, Subject: Termination of Evacuation Order (Hurricane Ida), 8 November 2021
- Memorandum, Subject: Safe Haven - Hurricane Ida 2021, 21 February 2023
- Memorandum, Subject: Hurricane Ida Authorized Evacuation – Louisiana, 14 March 2023
- DD Form 1610 (Request and Authorization for Temporary Duty (TDY) Travel of Department of Defense (DoD) Personnel)
- Email correspondence
- State of Louisiana Executive Department Proclamation Number 165 JBE 2021
- State of Louisiana Executive Department Proclamation Number 178 JBE 2021
- Congressional

FACTS:

1. The applicant states, he is a DoD Civilian with U.S. Army Cadet Command (USACC), Tulane University Army Reserve Officers' Training Corps, New Orleans, LA, employed since August 1983-present. He is requesting correction of the injustice resulting from denial of his evacuation claim (WID 1706928/Hurricane Ida August 2021) due to the evacuation order not conforming to Army Regulation (AR) 600-8-105 (Military Orders) paragraph 2-14, Verbal Orders of Commanding Officer (VOCO) requirements, however, other civilians and eligible military family who lived in the same locality were issued valid evacuation orders under other commands. Attached the Board will find a

justification memorandum and timeline explaining the delays of actions were beyond his scope of control. He feels he is due reimbursement for evacuation allowances from August 2021 - October 2021.

2. The applicant provides an SF 50 showing he was employed by the USACC, Tulane University, New Orleans, LA, as a Human Resources Assistant (Military) with a service computation date of 29 August 1983.

3. On or about April 1987 the applicant enlisted in the U.S. Army Reserve (USAR) and served in the USAR until his retirement.

4. His DA form 2-1 (Personnel Qualification Record) shows the applicant's employer as Department of the Army, Tulane University, New Orleans, LA.

5. On 2 August 2017, Orders Number C08-796582 issued by the U.S. Army Human Resources Command retired the applicant, effective 7 October 2017.

6. Memorandum, Subject: Evacuation Order (Hurricane Ida), dated 8 November 2021, wherein the BDE Commander (COL A- B-) issued a mandatory evacuation, effective 26 August 2021, to all Soldiers and Civilians assigned to 6th BDE, USACC, and their family members, whose residential quarters are located in an area identified for mandatory evacuation by civilian authorities or within the path of the storm and within 200 miles from their sponsor's assigned duty location. Safe Haven evacuees will proceed to a safe haven of their choosing located outside the evacuation area defined in paragraph 1a and within a 400 mile radius of the sponsor's assigned duty location. Civilian employees and their dependents are authorized evacuation allowances when authorized to leave a continental U.S. location because of emergency circumstances, and they will receive transportation and per diem for allowable travel time until they reach a safe haven location within the prescribed radius. He deemed overnight lodging for evacuees as mission essential. Evacuees were required to save and produce receipts for lodging, transportation, and any expense over \$75.00. Valid expenses will not exceed normal per diem rates found in the Joint Travel Regulation (JTR).

7. Memorandum, Subject: Termination of Evacuation Order (Hurricane Ida), dated 8 November 2021, wherein the BDE Commander (COL A- B-) terminated the evacuation order on 5 September 2021, effective 1000. Evacuees whose safe haven was 400 miles or less from their primary duty station. Lodging was authorized at the safe haven location the night of 5 September 2021. These evacuees should begin travel no later than 6 September 2021, and have one travel day (6 September 2021) to complete return travel to the local area. Evacuees whose safe haven was 401 miles or more from their primary duty station. Lodging was authorized at the safe haven location the night of 5 September 2021. These evacuees should begin travel no later than

6 September 2021, and have two travel days (6-7 September 2021) to complete travel to the local area.

8. Memorandum, Subject: Safe Haven - Hurricane Ida 2021, dated 21 February 2023, wherein MAJ A- C- stated, the applicant and his spouse, evacuated their home on 28 August 2021 due to the landfall of Hurricane Ida. They were evacuated beyond the initial orders termination date, 5 September 2021 due to the inhabitable living conditions cause by Hurricane Ida. The hurricane caused extensive roof and interior damage to his residence. His home was returned to habitable living conditions on 12 October 2021. The applicant resides in Terrebonne Parish (County). Terrebonne Parish prohibited residents from entering the city limits after the hurricane due to area-wide power outages and debris and tree removal, which lasted several weeks and required outside removal resources before residents could return to their homes safely.

9. Memorandum, Subject: Hurricane Ida Authorized Evacuation – Louisiana, dated 14 March 2023, wherein COL A- M- stated, due to the impact of Hurricane Ida military, Department of the Army Civilian personnel and their family members assigned to 6th BDE, USACC, Tulane University, New Orleans, LA, were authorized to evacuate LA, effective 26 August 2021. Department of the Army Civilians and dependent family members would use manual DD Forms 1610 with LOA provided. The memorandum confirmed the VOCO authority issued in accordance with the JTR, chapter 6, Table 6-2.

10. DD Forms 1610 dated 31 March 2023 showing the applicant processed a claim for him and his spouse for evacuation from Houma, LA, to Dallas, TX, and return to Houma, LA, for a period of 45 days with a proceed date of 28 August 2021. The form shows the applicant's permanent duty station as Tulane University, Army ROTC with a total for per diem and travel of \$9,025.80 (each). The form was endorsed by the travel requesting official and the travel approving official.

11. In April 2023, he received the completed DD Form 1610 with LOA and VOCO.

12. Memorandum, Subject: Letter of Lateness for Written Hurricane Ida Evacuation Order, dated 8 May 2023, authored by Captain (CPT) T- L- which states in pertinent part, VOCO was issued by USACC Commanding General to the 6th Brigade (BDE) Commander who furthered VOCO the evacuation order to all Professor of Military Science (PMS) across the Southeastern Region of the United States. No one was designated as the person to handle evacuation orders and the S-1 Officer in Charge (OIC) author took it upon himself to record the evacuation orders start and termination for record keeping purposes several weeks after the storm and started doing evacuation orders for hurricanes going forward. After the storm, the BDE Commander received a negative response from PMS on any evacuation voucher submissions. Sometime after this, a Government Service Civilian from New Orleans needed to submit a voucher for evacuation during Hurricane Ida, see Major (MAJ) A- C's memorandum for details.

While the voucher submission is late beyond any reasonable reason, the voucher claim appears legitimate and is backed up by the Acting PMS MAJ A- C-.

13. Self-authored letter, wherein the applicant states, the delays in action were beyond his scope of control, as reflected in the information below. Also noted are the actions that were implemented to assist and prevent recurrences. He feels he is due reimbursement for evacuation allowances from August 2021. A mandatory evacuation notice (27 August 2021) was issued for Hurricane Ida on 28 August 2021. They arrived in Dallas, TX, and he provided his information in the Army Disaster Personnel Accountability and Assessment System (ADPAAS) September 2021. Lieutenant Colonel (LTC) S- H-, Tulane University, PMS called to check on him and his wife and he mentioned to him about Safe Haven. September 2021 Colonel (COL) A- B-, 6th BDE Commander called to check on him and his wife. During their conversation he mentioned Safe Haven and he said he would get with his Command Group. October 2021 COL A- B- visited their office (Tulane University). He inquired about the Safe Haven evacuation orders, and he told LTC H- (PMS) to check with CPT T- L-, 6th BDE, S-1, OIC on the status of the orders. October 2021 CPT T- L- replied to LTC H-'s email that they were working on the orders (email messages attached). October 2021 - November 2021 he repeatedly inquired about the evacuation orders from CPT T- L-. On 17 November 2021, he received the evacuation orders (email messages attached). November 2021- waiting on Line of Accounting (LOA) and VOCO from CPT T- L-. Due to being a civilian his travel claim had to be submitted manually to Defense Finance and Accounting Service (DFAS) FAS Rome. November 2021 - April 2023 repeatedly inquired about his Safe Haven packet (Hurricane Ida). CPT T- L- was waiting on LOA and VOCO. November 2021-April 2023 several obstacles occurred during this time (email messages attached).

- Change in staff at the BDE and Battalion levels
- Evacuation termination orders had to be extended
- A new memorandum was created to extend the termination date
- Funds from Fiscal Year 2021 had to be approved due to the evacuation being in August 2021
- Accounting citation from DD Form 1610 and signatures

14. The applicant provides a/an-

a. email correspondence wherein CPT T- L- provides that the memorandums ordering the evacuation would suffice for the submission of travel vouchers. The email also shows the applicant had been pursuing the travel settlement for years

b. State of Louisiana Executive Department Proclamation Number 165 JBE 2021 wherein the State of Louisiana issued a State of Emergency for Tropical Storm Ida due

to anticipated life-threatening storm surges and damaging hurricane force winds and heavy rainfall.

c. State of Louisiana Executive Department Proclamation Number 178 JBE 2021 wherein the State of Louisiana issued a renewal of the State of Emergency for now Hurricane Ida.

BOARD DISCUSSION:

1. After reviewing and carefully considering the application, the applicant's request for reimbursement of evacuation allowances for Hurricane Ida for the period August – October 2021 due to his employment with the U.S. Army Cadet Command at Tulane University, the applicant's contentions, all supporting documents, the evidence found within the military record, and regulatory guidance, the Board found that partial relief was warranted.
2. The evacuation order only covered the period from 26 August 2021 – 6 September 2021, and so the applicant should certainly be reimbursed for authorized costs associated with the period covered by the orders.
3. However, after the period covered by the orders, the costs incurred due to issues with his home are a homeowner issue and not the responsibility of the government. Further, the applicant's mention of a power outage does not provide specific evidence for the applicant's residence and would be outside the evac order scope.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

█ █ █ GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- correct the record to show a written evacuation order was issued on 26 August 2021, with an evacuation termination dated of 6 September 2021
- showing the applicant timely submitted a completed DD Form 1610 with proper documentation for the period 26 August 2021 to 6 September 2021
- paying the applicant as appropriate, based on the above correction

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains any costs incurred outside of the scope of the evacuation orders.

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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.

REFERENCES:

1. JTR Chapter 6 (Evacuation Travel) states:

a. An evacuation is the authorized or directed departure from an area threatened by unusual or emergency circumstances in the continental United States (CONUS). A civilian employee, or a civilian employee's dependent may leave a threatened area at their own expense. However, the Government authorizes evacuation allowances when one of the individuals or agencies identified in Table 6-2 or Table 6-3 orders or authorizes an evacuation.

b. Table 6-2 states DoD Components states the authority to order an evacuation from a location in CONUS (Service Member's Dependent, Civilian Employee, and Civilian Employee's Dependent) is the Secretary of Defense, Secretary concerned, and the Head of the Component (or his or her designee), or the Commander, head, chief, or supervisor of the organization or office.

c. Table 6-4 states a civilian employee and his or her dependent in CONUS may be evacuated at Government expense.

d. Section 060103 (Choosing an Evacuation Destination) states, the anticipated duration of the evacuation is critical to determining whether a dependent travels to a safe haven or a designated place. A safe haven is a temporary location to which a dependent is sent. If the conditions causing an evacuation are expected to improve and it is anticipated that the dependent will be able to return to the permanent duty station, then the dependent is evacuated to a safe haven. The safe haven and the evacuated area may be in the same city or country or may be in different cities or countries. A designated place is a location where a dependent will establish a permanent residence. If conditions are not expected to improve, then the dependent is evacuated to a designated place. The appropriate official determines whether an evacuee will go to a safe haven or a designated place. The Government may provide evacuation allowances for a Service member's dependent, civilian employee, or a civilian employee's dependent when they evacuate to an authorized location selected by the authority in Table 6-2.

e. Table 6-5 (Who Determines Authorized Destinations for a Civilian Employee, or a Civilian Employee's Dependent) states, of the location being evacuated is CONUS the safe haven may be designated by the authority who orders or authorizes the evacuation. If the CONUS is listed as the safe haven, then an evacuee must select the exact location within the designated geographic area.

f. Table 6-8 (U.S. Army Accounting Codes during evacuation) states, for Army located in the Deputy Chief of Staff, G-1 ADPASS, under Command, Reference, PA

Messages. Only ADPASS unit Command Officer Representatives can access this LOA document.

g. Section 060107 B (Time Limits) states, safe haven evacuation allowances cannot be extended beyond the earliest of established 180-consecutive day period, unless extended by the Under Secretary of Defense Personnel and Readiness for a DoD service member's dependent through the Secretarial process for a non DoD Service member's dependent. For civilian employees and their dependents, the above time limits apply subject to the authority who ordered the evacuation.

2. Title 37, United States Code, section 475a (Travel and transportation allowances: departure allowances) states, under regulations prescribed by the Secretaries concerned, when dependents of members of the uniformed services are authorized or ordered to depart by competent authority, they may be authorized such allowances as the Secretary concerned determines necessary to offset the expenses incident to the departure. Allowances authorized by this section are in addition to those authorized by any other section of this title. Such allowances may be paid in advance. For the purposes of this section, a dependent "authorized or ordered to depart by competent authority" includes-

a. A dependent who is present at or in the vicinity of the member's duty station when the departure of dependents is authorized or ordered by competent authority and who actually moved to an authorized safe haven designated by that authority, whether such safe haven is at or in the vicinity of the member's duty station or elsewhere.

b. A dependent who resides at or in the vicinity of a former duty station of the member following the assignment of the member elsewhere or who resides at or in the vicinity of a duty station (other than the duty station of the member) incident to orders in connection with an unaccompanied tour of duty of the member, if a departure of dependents is authorized or ordered by competent authority from the duty station at which or in the vicinity of which the dependent resides and the dependent actually moves to an authorized safe haven designated by that authority;

c. A dependent who established a household at or in the vicinity of the member's duty station but who is temporarily absent therefrom for any reason when departure of dependents is authorized or ordered by competent authority; and

d. A dependent who was authorized to join the member and who departed from his former place of residence incident to joining the member but who, as a result of the departure of dependents, is diverted to a safe haven designated by competent authority or is authorized to travel to a place the dependent may designate, even though he was in the United States when the departure was authorized or ordered.

3. Army Regulation 600-8-105 (Military Orders) paragraph 2-14 states, when situations demand immediate action, normally in combat situations, commanders with authority to issue written orders may issue verbal orders.

a. When the verbal order involves expenditure of public funds, the commander will issue confirmatory orders within 30 calendar days. If the written order is issued more than 30 calendar days after the effective date of the verbal order, the commander will provide written justification for the delay and the action taken to prevent recurrence to the servicing finance office and the next higher official. The finance office will file the explanation as a substantiating document with the order.

b. Include a notation in the confirmatory orders as a response to the Authority lead line, "This order confirms verbal orders of (the CG or commanding officer) given on (date verbal orders were given)." If there is no Authority lead line for the format used, include the information as a response to the Effective date lead line. When preparing DD Form 1610, include this information in item 16.

4. Title 10, United States Code, section 1552 states, the Secretary of a military department may correct any military record of the Secretary's department when the Secretary considers it necessary to correct an error or remove an injustice. The Secretary concerned may pay, from applicable current appropriations, a claim for the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, if, as a result of correcting a record under this section, the amount is found to be due the claimant on account of his or another's service in the Army.

//NOTHING FOLLOWS//