

IN THE CASE OF: ██████████

BOARD DATE: 28 February 2024

DOCKET NUMBER: AR20230006389

APPLICANT REQUESTS: reconsideration of previously submitted request for entitlement to Cost of Living Allowance (COLA) from October 2018 – January 2020.

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum – Subject: Army Board for Correction of Military Records (ABCMR) Record of Proceedings, 17 August 2022
- Docket Number AR20210005498, 3 June 2021
- DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the U.S.), 29 November 2004
- Email communication
- Orders Number 319-01, 15 November 2019
- Orders Number 331-01, 27 November 2019
- Orders Number 176-239, 25 June 2018
- Orders Number 338-02, 4 December 2019

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the ABCMR in Docket Number AR20210005498 on 3 June 2021.

2. The applicant states in pertinent part that his previously submitted request for relief was approved for correction. However, he contests that the approved dates for his COLA entitlements should have reflected October 2018 – January 2020 rather than October 2018 – January 2019.

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

a. On 14 March 2006, the applicant enlisted in the Regular Army.

b. On 13 August 2016, the applicant was legally married as recorded by the State ██████████

c. On 25 June 2018, the U.S. Army Installation Management Command issued Orders Number 176-239 reassigning the applicant to Hohenfels, Germany, with a proceed date of on or about 9 October 2018. These orders further reflect authorization of concurrent family travel (spouse and 2 dependent children). These orders were later amended (Orders Number 240-221) to reflect concurrent travel of the applicant's spouse and 1 child).

d. On 15 November 2019, the U.S. Army Garrison issued Orders Number 319-01 reassigning the applicant to Fort Hood, TX, with a reporting date of 10 January 2020.

e. On 22 June 2021, Headquarters III Corps and Fort Hood issued Orders Number L173-028 reassigning the applicant to Schofield Barracks, HI, effective on or about 1 August 2021.

4. The applicant provides the following a:

a. Memorandum – Subject: ABCMR Record of Proceedings dated 17 August 2022, reflective of the Case Management Division being advised of the approval of the applicant's previously submitted request with a request for corrective action made no later than 7 November 2022.

b. DD Form 4 dated 29 November 2004, reflective of the applicant's enlistment in the Army National Guard for a period of 8 years.

c. Email communication reflective of the applicant's communication with the ABCMR concerning the need for additional documentation.

d. Orders Number 331-01 dated 27 November 2019, reflective of Orders Number 319-01 being amended to reflect a change in the Special Designation Number (SDN).

e. Orders Number 338-02 dated 4 December 2019, reflective of Orders Number 319-01 being amended to reflect a change in the applicant's availability date to reflect 30 December 2019 rather than 9 December 2019.

5. On 3 June 2021, in ABCMR Docket Number AR20210005498 the Board granted full relief. The Board recommended that all Defense Finance Accounting Service (DFAS) records be corrected to reflect that the applicant was authorized COLA for four family members during his service in Germany from 10 October 2018 to 10 January 2019. The Board further recommended that he be provided with retroactive payment of the difference that he received in COLA because of this correction.

6. On 9 November 2023, the Department of the Army, Office of the Deputy Chief of Staff, G-1, Branch Chief, Travel and Transportation, provided an advisory opinion

recommending approval of the applicant's request noting that his entitlement to COLA at Rate 4 should have continued until his departure from Germany in January 2020. Their office previously issued a recommendation to approve the COLA extension through January 2019 based on the information submitted at that time.

7. On 14 November 2023, the applicant was provided with a copy of the advisory opinion and afforded 14 days to provide comments. As of 14 February 2024, the applicant had not responded.

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 record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records and the Department of the Army, Office of the Deputy Chief of Staff, G-1, Branch Chief, Travel and Transportation advisory opinion, the Board concurred with the advising official recommendation for approval finding the applicant's request noting that his entitlement to COLA at Rate 4 should have continued until his departure from Germany in January 2020. The opine also noted, their office previously issued a recommendation to approve the COLA extension through January 2019 based on the information submitted at that time. The Board agreed there is sufficient evidence to grant relief based on the advising opine for reconsideration of the applicant's previously submitted request for entitlement to Cost of Living Allowance (COLA) from October 2018 – January 2020. Therefore, the Board granted 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 is 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 the applicant's entitlement to Cost of Living Allowance (COLA) from October 2018 – January 2020.

2/29/2024

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CHAIRPERSON  


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:

Department of Defense 7000.14-R (Financial Management Regulation) Chapter 68 (Cost of Living Allowance Outside the Continental United States (OCONUS COLA) and Temporary Lodging Allowance (TLA) provides that OCONUS COLA is a non-taxable allowance that offsets the higher prices of goods and services, excluding housing, in foreign countries, U.S. territories, Alaska, and Hawaii. OCONUS COLA equalizes purchasing power so that a Service member can purchase the same level of goods and services OCONUS as he or she could if stationed inside the continental United States (CONUS). To be eligible for OCONUS COLA, the dependent must be command sponsored.

a. A Service member with a dependent is authorized OCONUS COLA based on the number of command sponsored dependents at the Permanent Duty Station (PDS) vicinity, regardless of Government dining facility availability.

b. Generally, OCONUS COLA starts on the day a Service member reports to a new Permanent Duty Station (PDS); the effective day of a home port change, or the day his or her dependent arrives before the Service member at the PDS.

c. OCONUS COLA stops the day before a Service member departs from OCONUS on a PCS order unless an extension occurs.

//NOTHING FOLLOWS//