

IN THE CASE OF: ██████████

BOARD DATE: 7 December 2023

DOCKET NUMBER: AR20230008306

APPLICANT REQUESTS: Exception to policy (ETP) to show retroactive approval of extension of expired transportation entitlements of household goods (HHG).

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

- DD Form 149 (Application for Correction of Military Record)
- U.S. Army Human Resources Command (HRC) Orders Number 154-01
- DD Form 214 (Certificate of Release or Discharge from Active Duty) service ending 30 September 2021

FACTS:

1. The applicant states in effect, he requests an ETP to correct his record to reflect a retroactive approval of an extension for the transportation of his HHG. On 17 April 2023, when he consulted transportation officials to begin his first move since his retirement, an Army official informed him that his transportation entitlement had expired on 30 September 2022 due to the lack of an annual extension request.

From the briefing he received during his transition process from active duty, he understood that he was entitled to have the transportation of his HHG covered by the Government and he had 6-years to complete this process from the date of his retirement. He did not realize he must submit an extension request prior to his retirement anniversary every year. His misunderstanding was probably due to his personal situation, priorities, and mental state in January 2021 when he received the briefing. He and his wife of 21-years had divorced in May of 2020, which was followed by her unexpected death in November 2020. During that period, he was focused on getting his children through their grief, getting them moved out of their mother's residence, and getting them off to college. During the first 12-months of his retirement he was focused on addressing his health challenges which were identified during his transition from active duty, supporting his aging parents, reconnecting with family and helping friends in need. Because the transition from active duty can be tumultuous, the update in the Joint Travel Regulation (JTR) was a step in the right direction by giving an initial 3-years of eligibility for service members to conduct the transportation of their HHG.

2. A review of the applicant's service record shows:

a. The applicant's DD Form 214 shows he entered active duty on 2 June 1989 and served continuously until his length of service retirement.

b. On 3 June 2021, Orders Number 154-01, issued by HRC, the applicant was placed on the retired list, effective 1 October 2021. The additional instructions stated he was authorized up to 1-year to complete his transportation entitlements.

c. He was honorably retired from active duty on 30 September 2021 and assigned to the U.S. Army Reserve Control Group (Retired). The applicant completed 32-years, 3-months, and 29-days of active service.

3. On 11 September 2023, in the processing of this case, the Office of the Deputy Chief of Staff, G4 provided an advisory opinion regarding the applicant's request for an ETP for a retroactive approval to extend the transportation of his HHG beyond 30 September 2022. The advisory official stated the Secretarial process has no JTR authority to reinstate an expired travel and transportation of HHG shipment authorization 6- and one-half months after the fact. The JTR states a service member and dependents must begin travel to a Home of Selection (HOS) within 1-year of the date of termination from active duty unless additional time is authorized and approved for all retirement orders effective prior to 24 June 2022. The applicant's retirement orders were effective on 30 September 2021 and the additional instructions stated he was authorized up to 1-year to complete his transportation entitlements. He was required to request and receive annual transportation extensions each year prior to the retirement anniversary date. He did not submit an extension request before his 1-year of authorization which expired on 30 September 2022. He contacted the transportation office on 17 April 2023.

4. On 19 September 2023, the Army Review Boards Agency Case Management Division provided the applicant the advisory opinion for review and comment. He did not respond.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is warranted.

2. The Board found the applicant clearly was unaware of the requirement to submit annual requests for extension of his HHG shipping entitlement following his retirement, which is at least partially explained by the fact that he was distracted by family matters in the year prior to retiring. The Board determined it would be appropriate to correct the

record to show he submitted timely requests for extension of his HHG shipping entitlement, which were approved through 20 September 2024. The applicant will be responsible for submitting any additional requests for extension through 30 September 2027 as needed.

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 by showing he submitted timely requests for extension of his HHG shipping entitlement, which were approved through 20 September 2024.

2/12/2024

X [REDACTED]

CHAIRPERSON

[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.

REFERENCES:

1. JTR (Uniformed Service Members and Department of Defense (DoD) Civilian Employees), in effect at the time, the JTR implements policy and laws establishing travel and transportation allowances of Uniformed Service members and DoD civilian travelers. The JTR has the force and effect of law for travelers and implements statutory

regulations and law for DoD civilian travelers. Subparagraph 6. (Travel and Transportation Allowance Extensions when a Member Separates from the Service), a. A written time limit extension may be authorized/approved using the Secretarial Process. b. An explanation of the circumstances justifying the extension must include the following: specific additional time period, description of the circumstances that prevent use within the prescribed time. The extension must be for the shortest time appropriate under the circumstances, acknowledgement that the extension is not being granted merely to accommodate personal preferences or convenience, an extension must not be authorized/approved if it extends travel and transportation allowances for more than 6 years from the date of separation, release from active duty, or retirement. An extension under Other Deserving Cases for any reason may not be for more than 6-years from the date of separation, release from active duty, or retirement.

2. JTR (Uniformed Service Members and DoD Civilian Employees) dated 1 November 2023, the JTR implements policy and laws establishing travel and transportation allowances of Uniformed Service members and DoD civilian travelers. The JTR has the force and effect of law for travelers and implements statutory regulations and law for DoD civilian travelers.

a. Paragraph 052013 (HHG Transportation in Connection with Retirement, Placement on the TDRL, Discharge with Severance or Separation Pay, or Involuntary Release from Active Duty with Readjustment or Separation Pay), A Service member on active duty is authorized HHG transportation from the last or any previous PDS; from a designated place in the CONUS, from a designated place in a non-foreign location OCONUS, or from anywhere the Service member selects, subject to paragraph. 051306; from storage; or any combination of these locations to the Service member's HOS.

b. Subparagraph B. (Time Limits), HHG must be turned over for transportation within 3-years following active duty termination, except as in Table 5-33. A Service member is eligible for the 3-year time limitation if the active duty termination effective date is on or after 24 June 2022. The 3-year time limitation does not apply retroactively to a HHG shipment authorized for a Service member with an effective active duty termination date before the effective date. Any further extensions must be granted on an annual basis.

c. Subparagraph C. (Other Deserving Cases), time-limit extensions may be authorized or approved through the Secretarial Process when: a. An unexpected event beyond the Service member's control occurs that prevents him or her from moving to the HOS within the specified time limit. b. The extension is in the Service's best interest or to the Service member's benefit, and it is not more costly or adverse to the Service. This includes cases where the 1-year time limit has already been extended due to hospitalization, medical treatment, education, or training. 2. Time-limit extensions may

be authorized or approved only for the specific period of time the Service member anticipates is needed to complete the move. If, at the expiration of this extension period, additional time is required, the Service member may request an additional extension through the Secretarial Process, explaining the reasons for the extension. An additional authorized period for a specific time may then be authorized or approved through the Secretarial Process. Time-limit extensions are not authorized for any reason for more than 6-years from the date of separation, release from active duty, or retirement.

//NOTHING FOLLOWS//