

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 April 2024

DOCKET NUMBER: AR20230009884

APPLICANT REQUESTS: in effect, correction of his record to show retroactive approval of extension for transportation 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 Intelligence Center of Excellence Orders Number 060-00005
- U.S. Army Combined Arms Support Command (CASCOM) Orders Number 295-0503
- Transportation Extension Requests, 3 October 2017, 3 October 2018, 23 October 2019, 27 October 2020, 18 October 2021, and 20 October 2022
- Request for Exception to Policy, 12 May 2023
- Installation Transportation Office letter

FACTS:

1. The applicant states in effect, he requests an exception to policy for his final transportation move after his retirement after 35-years of active duty service. He was assigned to the 3rd Sustainment Division, Fort Stewart, GA, for a 6-month deployment to Afghanistan. His family remained in Yuma, AZ, in order for his daughter to complete her schooling. He was enrolled in the Exceptional Family Member Program due to his daughter's needs. After his deployment, he underwent two major surgeries on his neck due to an injury he sustained from an improvised explosive device incident. He then decided to retire from the Army a few years later. His recovery and coronavirus disease (COVID-19) pandemic limited the movement of personnel, and it caused him and his family to take precautions to protect their high risk daughter at the time so he did not get his move completed. COVID-19 restrictions were just lifted about a month prior to his application and he now feels it is safe to conduct his final move. However, his request for an extension exception to policy was denied by Fort Gregg-Adams. He believes his request should be granted; he requests the Board to reconsider his request for the exception to policy to move his HHG.

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

a. The applicant enlisted in the Regular Army on 30 December 1981, and he had continuous service through extensions and reenlistments.

b. The applicant's Enlisted Record Brief shows he has an exceptional family member and he had overseas service in Germany during the periods of:

- 19 October 1986 through 3 October 1989
- 5 December 1992 through 16 December 1995

c. On 29 February 2012, Orders Number 060-00005, issued by the U.S. Army Intelligence Center of Excellence, reassigned the applicant to 3rd Corps Support Sustainment Brigade, Fort Stewart, GA, effective 10 June 2012. The additional instructions stated he had family members and was authorized travel of family members and the use of one or two privately owned vehicles for each household provided the member and/or family member(s) own or have a long term lease.

d. On 19 October 2022, Orders Number ST-293-0041, issued by Headquarters (HQs), 3rd Infantry Division, Fort Stewart, deployed the applicant in a temporary change of station status in support of Operation Enduring Freedom to Afghanistan on or about 4 December 2012.

e. On 5 June 2014, Orders Number 156-523, issued by HQs, 3rd Infantry Division and Fort Stewart, the applicant was assigned to Sustainment, Fort (Lee) Gregg-Adams, VA, effective 10 August 2014. The additional instructions stated the Soldier is a participant in the Exceptional Family Member Program. Special education or medical facilities are required by the Soldier's family members. The Soldier is enrolled in the Exceptional Family Member Program. Servicing Medical Command Exceptional Family Member Program Coordinator has confirmed that services required by the family are available.

f. On 21 October 2016, Orders Number 295-0503, issued by the U.S. Army CASCOM, the applicant was placed on the retired list, effective 1 January 2017, in the rank of command sergeant major. The additional instructions stated he was authorized up to 1-year to complete selection of a home and complete travel in connection with his retirement. Dependent travel for two dependents was authorized.

g. The applicant was honorably retired from active duty on 31 December 2016. DD Form 214 shows the applicant completed 35-years and 2 days of active service.

3. The applicant provides:

a. Letter dated 3 October 2017 from the applicant to the Fort (Lee) Gregg-Adams Transportation Office, he requested an extension on the movement of his HHG as he had not finalized his retirement plans and selection of a home.

b. Letter dated 3 October 2018 from the applicant to the Fort (Lee) Gregg-Adams Transportation Office, he requested an extension on the movement of his HHG as he had not finalized his retirement plans and selection of a home.

c. Letter dated 23 October 2019 from the applicant to the Fort (Lee) Gregg-Adams Transportation Office, he requested an extension on the movement of his HHG as he had not finalized his retirement plans and selection of a home.

d. Letter dated 27 October 2020 from the applicant to the Fort (Lee) Gregg-Adams Transportation Office, he requested an extension on the movement of his HHG as he had not finalized his retirement plans and due to COVID-19. He deferred his move to reduce the risk to his daughter contracting the disease due to her medical condition. His family remained in AZ when he was assigned to Fort Stewart, GA, for deployment to Afghanistan.

e. Letter dated 18 October 2021 from the applicant to the Fort Lee Transportation Office, he requested an extension on the movement of his HHG as he had not finalized his retirement plans and due to COVID-19. He deferred his move to reduce the risk to his daughter contracting the disease due to her medical condition. His family remained in AZ when he was assigned to Fort Stewart, GA, for deployment to Afghanistan.

f. Letter dated 20 October 2022 from the applicant to the Fort (Lee) Gregg-Adams Transportation Office, he requested an extension on the movement of his HHG as he had not finalized his retirement plans. COVID-19 impacted their ability to move safely as his daughter is high risk for contracting the disease. His family remained in AZ when he was assigned to Fort Stewart, GA, for deployment to Afghanistan.

g. Applicant's request for exception to policy to move his family from AZ to GA. In 2012, he was reassigned from Yuma, AZ, to Fort Stewart, GA, to deploy for 6-months to Afghanistan as a Brigade Command Sergeant Major and his family remained in AZ in order for his daughter to continue her schooling. After his deployment he was reassigned to Fort (Lee) Gregg-Adams as his terminal assignment while his family remained in AZ. Since his retirement in 2016 he annually requested an extension on the movement of his HHG pending his decision on his retirement residence.

He was enrolled in the Exceptional Family Member Program due to his daughter's medical condition which makes her high risk for contracting COVID-19 and moving during the pandemic was too high of a risk to take. As of 11 May 2023, the COVID-19 emergency was finally lifted and he is ready to move his family.

h. Installation Transportation Office letter dated 1 June 2023 stated Headquarters Department of the Army (HQDA) reviewed his exception to policy request and he was being notified that his final travel and transportation authorization to a home selection expired on 31 December 2022 and it was a use or lose entitlement. The Joint Travel Regulation (JTR) does not provide the authority to approve an extension beyond 6-years from the date of his retirement on 31 December 2016 as the funding on the applicant's retirement orders no longer exist.

4. On 12 January 2024, in the processing of this case, the Office of the Deputy Chief of Staff G-4, provided an advisory opinion regarding the applicant's request for exception to policy to reinstate an expired travel and transportation of HHG shipment authorization. The advisory official stated the JTR in effect at the time stated retirements prior to 24 June 2022 stated service member and dependents must begin travel to a home of selection within 1-year of the service member's termination from active duty unless additional time was authorized or approved.

a. The applicant's retirement order effective 31 December 2016 stated he was authorized up to 1-year to complete selection of a home and complete travel in connection with the retirement. He was required to request and receive annual transportation extensions from the Fort (Lee) Gregg-Adams, Virginia Transportation Office each year prior to his retirement anniversary date. The applicant submitted his fourth extension request on 23 October 2020 and he received his fourth extension memorandum with an authorization expiration date of 31 December 2021. The memorandum stated the maximum annual entitlement extensions was 5-years, which totals 6-years from the retirement date until 31 December 2022. There was no fifth extension request from the applicant received at the Fort (Lee) Gregg-Adams Transportation Office prior to 31 December 2022.

b. The Office of the Deputy Chief of Staff G4 lacks JTR authority to retroactively approve a travel and transportation authorization that was expired since 31 December 2021. Additionally, the JTR limitation for a retiree to move to home of selection is a maximum of 6-years from the date of retirement for the applicant of 31 December 2016 which expired on 31 December 2022.

5. On 8 February 2024, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment. He did not respond.

#### BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The

applicant was honorably retired from active duty on 31 December 2016. He was authorized up to one year to complete selection of a home and complete travel in connection with the retirement. He submitted multiple extensions, the last of which was on 23 October 2020, and he received his fourth extension memorandum with an authorization expiration date of 31 December 2021. The memorandum stated the maximum annual entitlement extensions was 5 years, which totals 6 years from the retirement date until 31 December 2022. There was no fifth extension request from the applicant received at the Fort (Lee) Gregg-Adams Transportation Office prior to 31 December 2022. Although the JTR limits a retiree to move to home of selection for a maximum of 6 years from the date of retirement (for the applicant of 31 December 2016), the maximum that could have been approved expired on 31 December 2022. There is no provision in the law to exceed the 6 years.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

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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.

REFERENCE:

JTR (Uniformed Service Members and DoD Civilian Employees), 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. Organizations are expected to take appropriate disciplinary action when travelers willfully fail to follow the JTR. Chapter 5: Permanent Duty Travel (PDT) Part C: Household Goods Transportation (Service Members) The topic of HHG transportation includes a variety of functions associated with getting a Service member's or dependent's personal belongings from one location to another. Included in this section is the policy for the actual transportation or relocation of HHG, storage of HHG, and the various transportation methods available. Also in this section are the allowances for transportation of unaccompanied baggage; professional books, papers and equipment (PBP&E); and required medical equipment. A Service member is authorized transportation of HHG when moving is necessary due to a permanent change of station (PCS) or other reasons in this section.

a. Subparagraph K, an extension cannot be authorized or approved if it extends travel and transportation allowances for more than 6-years from the date of separation, release from active duty or retirement, or from the date the Service member's dependent receives an official notice that the Service member is dead, injured, missing, interned, or captured. The only time the 6-years may be exceeded is when a Service member's certified on-going medical condition prevents relocation of the dependent for longer than 6 years from the notification date.

b. Subparagraph I (Time Limitations for Travel to the HOS), a Service member and dependent must begin travel to an HOS within 3-years of the Service member's termination from active duty unless additional time is authorized or approved through the Secretarial Process. 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 travel authorized for a Service member or dependent with an effective active duty termination date before the effective date. If a Service member is prevented from traveling due to an unexpected event that is beyond the Service member's control and is related to the Service member's separation from the Service, the 3-year time limit applies for both the Service member and dependent's travel unless extended through the Secretarial Process. Any extension must be in the Service's best interest or substantially benefit the Service member and is not costly and does not have an adverse impact to the Service. 2. A Service member must request all extensions in writing using the Secretarial Process. An extension may not be for more than 6-years from the date of retirement. The request must include the following: a. A description of the circumstances that prevent travel within the specified time period. b. The specific amount of additional time required. An extension should be for the shortest

time necessary based on the circumstances. The 6-year limit may only be extended for travel to the HOS if a Service member has a certified and on-going medical condition.

c. Paragraph 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. 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//