

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 February 2024

DOCKET NUMBER: AR20230010760

APPLICANT REQUESTS:

- Reinstatement of his travel and transportation entitlement extension
- Personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Orders 028-0010 Retirement Orders
- DA Form 137-2 (Installation Clearance Record)
- Memorandum Reinstatement of Travel and Transportation Entitlement Extension

FACTS:

1. The applicant states, he requests the Joint Travel Regulation (JTR) authority reinstatement of his travel and transportation entitlement extension to be reassessed and granted. He sent his request to Fort Carson Joint Personal Property Shipping Office (JPPSO) which was denied by Headquarters, Department of the Army (DA) G-4 Transportation Policy Division on 31 May 2023. The applicant retired, during Covid-19 and he did not receive the DA retirement planning brief and slide handouts that provide a time limit on travel and transportation allowances, which is typically one year. When the applicant cleared Fort Carson, CO, JPPSO, there was not a DA Civilian in place who could explain instruction (f) on his orders. There was a servicemember filling the position. He was not scheduled for a follow-up appointment, nor was he counseled or given any documentation that explained the ramifications of missing his appointment.

2. The applicant provides the following documents:

a. Orders 028-0010, published by Headquarters, United States Army Garrison and Fort Carson, dated 28 January 2021 retired the applicant from active duty effective 30 June 2021. The orders state in additional instructions f. "Authorized up to one year to complete home of selection (HOS) within the U.S. including Alaska and Hawaii, from the date of separation." The orders directed the applicant to contact the transportation office for instructions.

b. DA Form 137-2 shows the applicant had to clear the transportation office. There is not a signature indicating clearance.

c. Self-authored memorandum subject Reinstatement of Travel and Transportation Entitlement Extension, dated 20 June 2023, explains what the applicant did upon retirement and why he missed the opportunity to ask for an extension of his travel and transportation entitlement. The entire memorandum is available for the Board's consideration.

d. The applicant did not include the denial letter from G-4 with his documentation.

3. The applicant's service record contains the following documents:

a. Having had prior active service, the applicant was appointed as a Regular Army commissioned officer, dated 7 December 2006. He served in a variety of staff or command assignments, and attained the rank of major.

b. On 28 January 2021, Headquarters, United States Army Garrison and Fort Carson, published Orders 028-0010, retiring the applicant from active duty effective 30 June 2021. The orders state in additional instructions f:

- Authorized up to one year to complete home of selection (HOS) within the U.S. including Alaska and Hawaii, from the date of separation
- The orders directed the applicant to contact the transportation office for instructions

c. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant retired on 30 June 2021, after having completed 14 years, 6 months, and 24 days of active service this period with 11 years, 8 months, and 2 days of prior active service.

d. The applicant's service record is void of his separation orders or information regarding his travel and transportation entitlements.

4. On 25 October 2023, the Chief, Transportation Policy Division, Office of the Deputy Chief of Staff, G-4 provided an advisory opinion, which states:

a. The Secretarial Process has no JTR authority to reinstate an expired travel and transportation, household good (HHG) shipment authorization, which ended on 30 June 2022. The JTR is the basic statutory regulation governing a uniformed member's travel and transportation at government expense and has the force and effect of law issued primarily under the authority of Title 37 United States Code Section 481.

b. JTR paragraph 051003-11, Time Limitations for Travel to the HOS. A servicemember and dependents must begin travel to a HOS within one year of the servicemember's termination from active duty unless additional time is authorized or approved. JTR paragraph 05203413, HHG Transportation in Connection with Retirement, B. Time Limits. HHG must be turned over for transportation within one year following active duty termination.

c. The applicant's retirement orders, dated 28 January 2021, with a retirement date of 30 June 2021, provided instruction in paragraph f: "Authorized up to one year to complete HOS within the U.S. including Alaska and Hawaii, from date of separation." The applicant was required to request and receive annual transportation extension(s) from a transportation office each year prior to his retirement anniversary date. The applicant did not submit an extension before his one year of authorization expired on 30 June 2022. G-4 lacks the JTR authority to retroactively approve an expired travel and transportation authorization 11 months after the fact.

5. On 25 October 2023, the advisory opinion was provided to the applicant to allow him the opportunity to respond. He did not respond.

BOARD DISCUSSION:

1. The Board determined the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

2. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. The evidence of record shows the applicant was honorably retired on 30 June 2021. His retirement orders stated that he was authorized up to 1 year to complete selection of a home and complete travel in connection with this action and that he should contact the appropriate transportation office for making HHG shipment arrangements. The JFTR indicates that retirement transportation and travel entitlements will be used within 1 year of retirement; however, it also provides for extensions of this entitlement in 1-year increments up to 5 additional years, or a total of 6 years. Extensions due to unforeseen medical reasons, education or training, and/or other deserving cases when an unexpected event beyond the retiree's control occurs which prevents the retiree from moving within the time limits may be granted under these extension provisions.

b. The applicant explained the circumstances that led to his failure to submit the extension request on time and reason for not submitting an extension. The Board found

it likely he was not properly counseled during COVID. The Board found it reasonable to believe the only reason his transportation allowance expired was his failure to submit a request in a timely manner, and/or he attempted to rectify this oversight in a timely manner. Notwithstanding the Department of the Army G-4's advisory opinion that extension is not authorized, the Board determined relief is warranted in the interest of justice, that his records may be corrected to show he submitted annual requests for extension and reinstatement of his HHG shipment entitlements and that his requests were approved, as exceptions to policy through 30 June 2025 (4 years after his retirement). This would, in effect, authorize the applicant sufficient time to use the approved extension to complete his final move. The applicant should apply in writing, with justification, for any further extensions through normal channels. (i.e., the installation transportation office).

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 the applicant timely requested and received approval for annual extensions of her retirement transportation entitlements through 30 June 2025.

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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 Subparagraph 6. (Travel and Transportation Allowance Extensions when a Member Separates from the Service), states:

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. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//