

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 October 2024

DOCKET NUMBER: AR20230010804

APPLICANT REQUESTS: reinstatement of her transportation allowance for shipment of household goods (HHG) to home of selection (HOS)

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- U.S. Army Installation Management Command and Headquarters, U.S. Army Garrison, Fort Stewart/Hunter Army Airfield, Army Personnel Processing Center, Orders 281-0001, 8 October 2019
- DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 31 August 2020
- 6th Air Refueling Wing (Air Mobility Command) Memorandum (Entitlement Extension), 3 August 2021
- Logistics Readiness Squadron/Deployment and Distribution Flight Traffic Management Office (TMO) Email (Reply: HHG Extension Request for (Applicant)), 19-28 July 2023, and (Reply: Requesting Extension of Retirement HHG Entitlement – 1 Year), 27 July-3 August 2023, with attachments –
  - HOS Travel and Transportation Entitlements Extension Justification, 19 July 2023
  - DA Form 137-2 (Installation Clearance Record), 15 June 2020
  - Air Force Form 2473 (HOS Travel and Transportation Entitlements Authority), 3 August 2021

FACTS:

1. The applicant states her HOS benefit was denied based on misinformation that she was given by a MacDill Air Force Base (AFB) TMO staff member when she submitted a request for extension of her HOS benefit in 2022.

a. Her initial HOS extension request was approved after her retirement in August 2020, extending the benefit through 31 August 2022. When she submitted her second request for extension in August 2022, she was advised by an Air Force service member

in the MacDill AFB TMO that her previously approved extension was still in effect based on new Joint Travel Regulations (JTR) guidance released in July 2022.

b. On 19 July 2023, she submitted an additional extension request for her HOS benefit. The MacDill AFB TMO denied her request and notified her that her HOS benefit expired on 31 August 2022. The new JTR guidance did not apply to her because her effective date of retirement was before 24 June 2022 and the MacDill AFB TMO did not have the authority to extend an entitlement that had already expired.

c. Denial of her extension is unjust based on misinterpretation of the new JTR guidance received around the same time she submitted her second request for an HOS extension. She has since changed jobs and no longer has the email that erroneously states she did not need to submit requests for HOS extensions and that her first extension was valid for 3 years. The loss of her HOS entitlement will cause undue financial hardship for her and her family.

2. U.S. Army Installation Management Command and Headquarters, U.S. Army Garrison, Fort Stewart/Hunter Army Airfield, Army Personnel Processing Center Orders 281-0001, 8 October 2019, assigned her to the U.S. Army Transition Center, MacDill AFB, for separation processing with a reporting date of 31 August 2020. The applicant's retirement orders stated:

- You are authorized shipment of household goods to your home of record or home of selection
- You are authorized up to (1) year to complete travel in connection with this action.

3. She retired in the rank/grade of master sergeant/E-8 on 31 August 2020. She completed 23 years and 5 days of total active service. Item 7a (Home of Record) of her DD Form 214 reflects Arnold, MD.

4. The 6th Air Refueling Wing (Air Mobility Command) memorandum (Entitlement Extension), 3 August 2021, approved her request for an extension of her travel and transportation entitlement. Her travel and transportation entitlements were extended until 31 August 2022.

5. Email correspondence from B\_\_\_\_ C\_\_\_\_, Defense Cyberspace Operations Planner, Logistics Readiness Squadron/Deployment and Distribution Flight TMO, 19 July 2023 through 2 August 2023, shows she submitted another HOS extension request.

a. Her email, 26 July 2023, states: "Resending my HHG Extension request. When I sent my extension request last year (2022) I received a response email stating that my

extension was good for three years based on new guidance that came out around the same time. Unfortunately I have switched jobs and no longer have access to my old emails. Thank you as always for your assistance."

b. B\_\_\_\_ C\_\_\_\_'s email, 26 July 2023, states: "The new guidance did not come out until 19 Jul[y] 2022. You would not have qualified because the effective date of retirement had to be 24 Jun[e] 2022. I the authority to extend an entitlement that already expired. I will need your email response from 2022 to show to HQ [Headquarters] Army along with your expired extension from 2022 and the justification. Again, I have no authority."

c. Her email, 27 July 2023, states: "The email that I received in 2022 was not from you but one of the AF [Air Force] personnel. Not sure if any of them are still working there from last year that [sic] may have some insight. If this was communicated to anyone else that requested an extension during that period and have also lost this benefit it is going to [affect] a lot of veterans' undue financial hardship. I am working to have my emails recovered from that timeframe. I really appreciate your assistance; it would be a shame to lose this benefit because of a misinterpretation of guidance by one of your staff."

d. B\_\_\_\_ C\_\_\_\_'s email, 27 July 2023, states: "See Below. This is the extension/ email I sent you in 2021, providing you an extension through Aug[ust] 2022. At no time did I inform you that you had 3 years to request another extension. I keep all of my emails and I do not have any email from you dated 2022 requesting an extension. I have forwarded your request for after [sic] expired extension, to HQ [Headquarters] Army. I will keep you posted on their decision."

e. B\_\_\_\_ C\_\_\_\_'s email, 28 July 2023, forwarded the extension email from 2021. The email states: "[Applicant's] travel and transportation authorization to home of selection at Government expense expired on 31 August 2022 and cannot be reinstated by HQDA [Headquarters, Department of the Army]."

f. She attached the following documents to her email request for extension of her HOS benefit:

- HOS Travel and Transportation Entitlements Extension Justification, 19 July 2023
- DA Form 137-2 (Installation Clearance Record), 15 June 2020
- Air Force Form 2473 (HOS Travel and Transportation Entitlements Authority), 3 August 2021

6. The Office of the Deputy Chief of Staff, G-4, memorandum from the Transportation Policy Division Chief (Advisory Opinion (Applicant) (AR20230010804)), 5 December 2023, states, in part:

The following JTR requirement was in effect for all retirement orders with a retirement date prior to 24 June 2022. JTR paragraph 051003-11, Time Limitations for Travel to the Home of Selection (HOS). A Service member and dependents must begin travel to an HOS within 1-year of the Service member's termination from active duty unless additional time is authorized or approved. JTR paragraph 052013, HHG Transportation in Connection with Retirement, B. Time Limits. HHG must be turned over for transportation within 1-year following active-duty termination.

[Applicant's] retirement orders dated October 8, 2019, with a retirement date of August 31, 2020, provided instructions in paragraph d: "You are authorized up to (1) year to complete travel in connection with this action." [Applicant] requested her first annual travel and transportation extension on August 5, 2021, from the MacDill AFB Transportation Office. She received a MacDill AFB Transportation Office memo[redacted] dated 3 August 2021, which clearly stated: The travel and transportation entitlements are extended until August 31, 2022. [Applicant] submitted her next extension request to the MacDill AFB Transportation Office on July 19, 2023, approximately 11 months late. [Applicant] asserts that when she submitted her previous extension request in 2022, she received an email response that her extension was good for three years based on new guidance, but no longer has access to that e-mail account to provide evidence of that correspondence.

7. On 6 December 2023, the Army Review Board Agency provided the applicant with a copy of the Office of the Deputy Chief of Staff, G-1, advisory opinion and informed her that her application was placed on hold for 15 days to allow her to respond to the advisory opinion. She was further informed that the Army Board for Correction of Military Records would make a final determination based on available facts and documents if she chose not to submit comments by the suspense date. No response has been received to date.

#### BOARD DISCUSSION:

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

a. The applicant retired on 31 August 2020. Her retirement orders authorized her shipment of household goods to her home of record or home of selection and up to (1) year to complete travel in connection with this action. Prior to 24 June 2022, the JTR requirement was in effect for all retirement orders with a retirement date before 24 June 2022. JTR paragraph 051003-11, Time Limitations for Travel to the Home of Selection A Service member and dependents must begin travel to an HOS within 1-year of the servicemember's termination from active duty unless additional time is authorized or approved.

b. The applicant requested an extension, and her request was approved extending the benefit through 31 August 2022. The applicant submitted her next extension request to the MacDill AFB Transportation Office on 19 July 2023, approximately 11 months late. She contends that when she submitted her second request for extension in August 2022, she was advised that her previously approved extension was still in effect based on new JTR guidance released in July 2022. She states that she received an email response that her extension was good for three years based on new guidance, but no longer has access to that e-mail account to provide evidence of that correspondence.

c. The Board found the applicant's contention credible, and that denial of her extension is unjust based on misinterpretation of the new JTR guidance received around the same time she submitted her second request for an HOS extension. The Board also agreed that the loss of her retirement transportation benefits/HHG shipment will cause undue financial hardship for her and her family. Therefore, the Board determined relief is warranted by extending her transportation allowance through 31 Augst 2026, the maximum authorized by law.

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 31 August 2026.

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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:

Joint Travel Regulations, 1 June 2024, implements policy and law to establish travel and transportation allowances for uniformed service members, Department of Defense civilian employees, and others traveling at Department of Defense expense. The JTR is published on a monthly basis; however, policy changes may occur at any time during the month. Paragraph 051003.I (Time Limitations for Travel to the HOS) states:

- a. 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 travel authorized for a service member or dependent with an effective active duty termination date before the effective date. Exceptions to this policy are as follows:

(1) A service member and his or her dependent are authorized permanent change of station (PCS) travel and transportation allowances from the last permanent duty station (PDS) to an HOS when the service member is either confined in or undergoing treatment at a hospital. The service member and dependent must begin travel from the hospital or medical facility within 3 years after discharge or termination of medical treatment.

(2) A service member who has not yet traveled to an HOS within 3 years after his or her active duty termination date and becomes confined in or undergoes treatment at a hospital during that 3-year period is authorized additional time for PCS travel and transportation allowances from the last PDS to an HOS. The service member and dependent's initial 3-year limit is extended by the number of days spent in the hospital.

(3) A service member and his or her dependent are authorized PCS travel and transportation allowances when the service member is attending training or receiving education on his or her active duty termination date to qualify for civilian employment. The service member is authorized to travel from the last PDS to an HOS. His or her dependent is authorized to travel to the HOS. A service member who begins qualification training and then becomes confined to, or undergoes treatment at, a hospital is also authorized to travel from the last PDS to the HOS. The service member and dependent must travel within 3 years after the training or education is completed or 4 years from the active duty termination date, whichever occurs first.

(4) 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.

b. 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:

(1) a description of the circumstances that prevent travel within the specified time period; and

(2) 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 ongoing medical condition.

//NOTHING FOLLOWS//