

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 July 2024

DOCKET NUMBER: AR20230010916

APPLICANT REQUESTS: reinstatement of her expired travel and transportation authorization of her household goods (HHG).

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

- DD Form 149 (Application for Correction of Military Record)
- Retirement Order, effective 30 November 2017
- DD Form 214, Certificate of Release or Discharge from Active Duty
- Request for Extension of HHG Transportation, September 2022
- Denial of Request for HHG Transportation Reinstatement, January 2023
- College Transcripts
- Verification of College Enrollment

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.

2. The applicant states she retired on 30 November 2017. On 20 September 2022, she put in a request through JBLM (Joint Base Lewis-McChord) housing office for an extension of her transportation of household goods entitlement for six years in accordance with the provision in the JTR (Joint Travel Regulation) 052013-C, 1-4, Other deserving cases. When she retired in 2017, she was told by an individual at the transportation officials who conducted the briefing that she had 5 years to use the entitlement. Not at any time did the briefing officer state there needed to be a request submitted annually for the extension to take place. Then with the onset and still existing COVID-19 global pandemic and the restrictions, they were not able to move during that time. However, currently, there is a dire need to relocate back to her home of record because her father is suffering from congestive heart failure as well as pulmonary embolisms and has been hospitalized on several occasions. Her mother also has advanced dementia, and her father is the primary caregiver it has been increasingly difficult because of his health problems. Therefore, it is necessary for her to return to

care for her parents who are unable to care for themselves. She received a denial of the entitlement on 17 January 2023. Based on the circumstances and because she was never given proper briefing/accurate information on the process to request entitlement extension, she is requesting consideration. She would have followed the proper protocol had she known. There also needs to be a consideration for the COVID-19 restrictions as well. She is asking these matters considered so she is able to use her earned retirement entitlement for serving her country honorably for 25 years and 19 days.

3. Review of the applicant's service records shows:

a. She enlisted in the Regular Army on 12 November 1992. She served through multiple reenlistments, in a variety of assignments, and she attained the rank of sergeant first class (SFC)/E-7.

b. On 27 February 2017, Installation Management Command, Joint Base Lewis-McChord published Orders 058-027 retiring her from active duty on 30 November 2017. The retirement orders stated: "Additional instructions: a. You are authorized up to 1 year to complete selection of a home and travel in connection with this action."

c. She retired on 30 November 2017, and she was placed on the retired list in her retired grade of SFC on 1 December 2017. Her DD Form 214 show she completed more than 25 years of active service.

4. On 20 September 2022, she submitted a request to the Logistical Readiness Center, Joint Base Lewis-McCord, WA. She requested an extension of her transportation of HHG entitlement for six years. She stated that (1) she was not told upon retirement that she had to do annual extensions; (2) her daughter graduated from high school in 2019; (3) her husband was a student of Theological Seminary; (4) COVID restrictions; and (5) parents are ant an advanced age with various medical challenges. medical

5. On 23 January 2023, she received an unfavorable response. Her request for travel and transportation authorization to home of selection at government expense expired on 30 November 2018 and cannot be instated by HQDA. Unfortunately, this office does not have JTR authority to reinstate an expired transportation shipping authorization of HHG from 49 months ago. Her retirement order stated she is authorized to ship her HHG to home of selection. She must apply for shipment of her HHG within one year of her separation from service or her shipping entitlements would be lost.

6. On 16 April 2024, the Office of the Deputy Chief of Staff, G-4 provided an advisory opinion in the processing of this case. A G-4 official stated:

a. This office reviewed the application and noted the following regulatory provisions in support of a decision. The Joint Travel Regulations (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. 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.

c. The applicant's retirement orders dated February 27, 2017, with a retirement date of November 30, 2017, provided for additional instructions in paragraph a: "You are authorized up to 1-year to complete selection of a home and travel in connection with this action." [Applicant] requested reinstatement 45 months after travel and transportation expired on November 30, 2018.

d. This office lacks the JTR authority to retroactively approve an expired travel and transportation authorization 45 months after the fact.

7. The applicant was provided, and submitted a response to the advisory opinion, in which she stated she felt there needs to be a reconsideration concerning her retirement travel entitlement.

a. When she attended her retirement briefing, she specifically asked the briefing personnel what was the procedures to extend as well as how long did she have to use her entitlement because she planned to relocate back to her home of record after her daughter graduated from high school at the time of her retirement she was a sophomore in high school and it was her families desire for her continuity and stability that she was able to graduate from H.S. in Lacey, Washington where we resides. She (the applicant) was told she had five (5) years to use her entitlement, and when she wanted to use it all she had to do was bring a copy of her retirement orders to transportation and she would be able to set it up without a problem.

b. Her daughter graduated and then the entire world went into a global pandemic, unprecedented times. As we all know the entire nation was on a shut down and there was a stop movement for all personal unless they were mission essential. As a retiree, not only was she not mission essential but as she was told when she called transportation. Her request would not be looked at until active duty personnel were serviced first as they are the priority and to continue to call and they will inform her when they would be able to address her transportation retirement entitlement. Then, when things finally settled down and she went to transportation with all the necessary

paperwork for her move, she was told her entitlement was no longer valid and expired. She was told she needed to put in an exception to policy, in which she did and was denied. She was then referred to this Board.

c. If she was told the correct information to begin with, she would have followed the correct course of action. She depended on the individual who gave the briefing to give her the correct information and she did not. Transitioning out of the military after 25 years and 19 days of honorable service is stressful, so she asked pertinent questions based on her circumstances and she was given answers and guidance she believed was correct. She did not have a reason not to trust the briefer because they are the subject matter expert.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence of record shows the applicant retired on 30 November 2017. Her retirement orders authorized her up to 1 year to complete selection of a home and travel in connection with this action. There is no evidence she requested an extension of her transportation entitlements until September 2022, some 49 months after her entitlements had expired. However, the Board found her argument persuasive in that some Soldiers at some installations are not properly counseled about how to request extension of their transportation allowances. Additionally, the Board felt there were some extenuating circumstances such as COVID and the applicant's family's medical challenges. Based on that and contrary to the G-4 advisory official's determination, the Board determined relief is warranted by extending her travel and transportation authorization at the government expense to her home of selection until 30 November 2023, 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 partial 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 November 2023.

█

█ █

█

█

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. Title 10, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. The Joint Travel Regulation (JTR) implements policy and law to establish travel and transportation allowances for Uniformed Service members. Paragraph 052013, HHG Transportation in Connection with Retirement, B. Time Limits. States HHG must be turned over for transportation within 1-year following active-duty termination.

a. The JTR contains the policy and procedures pertaining to the shipment of HHG to a permanent duty station (PDS) by uniformed service personnel upon retirement. It authorizes a member travel and transportation allowances to a PDS selected by the member from his last PDS upon retirement. A member on active duty is entitled to travel and transportation allowances to a home selected by the member from the last PDS upon retirement. Travel must be completed within 1 year from the active service termination date.

b. Extension provisions to the 1-year time limit are also provided for deserving cases under the Secretarial process. This process allows for extensions based on an unexpected event beyond the member's control that prevents movement to a PDS within the specified time limit. An extension of the time limit may be authorized by the Secretarial process if it is in the best interest of the service or substantially to the benefit of the member and not costly or otherwise adverse to the service. These extensions are approved for the specific period of time that the member anticipates is needed to complete the move, and if additional time is required, the member may request a further extension. A written time limit extension that includes an explanation of the circumstances justifying the extension may be approved for a specific additional time using the Secretarial process. However, extensions under this process will not be authorized if it extends travel and transportation allowances for more than 6 years from the separation/retirement date. These JTR provisions and time limitations for the shipment of HHG were also in effect at the time of the applicant's retirement.

c. Paragraph 052013-C.1.b states, "time limit extensions may be authorized or approved through the Secretarial Process when 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.

d. Paragraph 052013-C.2 states, "...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. Also, see par. 051003-I for restriction on time limit extensions."

e. Paragraph 051003-I.2b states, 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 state the specific amount of additional time required. An extension should be for the shortest time necessary based on the circumstances.

f. Change effective June 2022: 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 June 24, 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.

//NOTHING FOLLOWS//