

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 May 2024

DOCKET NUMBER: AR20230012023

APPLICANT REQUESTS: reinstatement of his entitlement for transportation and to ship his household goods (HHG) and unaccompanied baggage.

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

- DD Form 149 (Application for Correction of Military Record)
- Orders 227-0003 Retirement Orders
- Orders 078-0002 Amendment to Retirement Orders
- Statement for Nonuse of Entitlement for Moving HHG
- Letter of Employment
- Request for Extension of Transportation and Travel Entitlements

FACTS:

1. The applicant states, he is requesting to reinstate his retirement entitlements. He was not informed of the yearly requirement to reproduce a memorandum to maintain this entitlement. This entitlement has not been used and he has yet to request it. He formally requests an extension of his retirement transportation entitlements for his HHG and unaccompanied baggage as per his orders as of 1 July 2020.

2. The applicant provides the following documents:

a. Memorandum for Record subject Statement of Nonuse of Entitlement for Moving HHG, dated 23 July 2020 states the memorandum was to confirm the applicant had made no shipment of HHG or unaccompanied baggage through the Army Field Support Battalion-Korea using his retirement orders as of 23 July 2020.

b. Memorandum Letter of Employment dated 7 October 2022 states the memorandum was to certify the applicant received civilian personnel servicing from the Civilian Human Resources Agency, [REDACTED]. The applicant was employed as a Logistics Management Specialist.

c. Self-authored memorandum Request of Extension of Transportation and Travel Entitlements dated 10 July 2023 wherein the applicant requested an extension of

transportation and travel entitlements until 30 June 2024. He retired in the Republic of Korea on 30 June 2020. He was not informed of the yearly requirement to reproduce this memorandum to maintain this entitlement. This entitlement has not been used and he has yet to request it. He formally requested an extension on his retirement transportation entitlements for his HHG and unaccompanied baggage as per his retirement orders.

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

a. DD Forms 4 (Enlistment/Reenlistment Document Armed Forces of the United States) which show the applicant enlisted in the Regular Army on 1 February 2001 with immediate reenlistments on 1 February 2003, 13 June 2005, 17 January 2007, 16 December 2008, and 3 January 2014.

b. Orders 227-0003, published by U.S. Army Installation Management Command Pacific Region, U.S. Army Garrison-Yongsan, dated 15 August 2019 reassigned the applicant for separation processing. These orders were amended by orders 078-0002, published by the same Headquarters, dated 18 March 2020 which changed paragraph k to read Soldier has an approved (Korea) in-country separation. In connection with his in-country separation from the military service, he was offered transportation to the (United States) (his residence in a territory or possession of the United States) for the applicant and his dependents and his baggage (including HHG) at government expense. His entitlement to such transoceanic transportation would terminate if travel was not completed within one year of the date of his release from active duty. The applicant may remain in country for 30 days after his separation date with a valid U.S. passport.

c. Orders 227-0004, published by U.S. Army Installation Management Command Pacific Region, U.S. Army Garrison-Yongsan, dated 12 August 2019 honorably retired the applicant on 30 June 2020 with placement on the retired list on 1 July 2020.

d. A DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he retired effective 30 June 2020.

4. On 5 December 2023, the Chief, Transportation Policy Division, Office of the Deputy Chief of Staff, G-4 provided an advisory opinion for the Board's consideration, which states:

a. G-4 reviewed the application and noted the following regulatory provisions in support of a decision. The Secretarial Process has no Joint Travel Regulations (JTR) authority to reinstate an expired travel and transportation, HHG shipment authorization, which ended on 30 June 2021. 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. 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 servicemember and dependents must begin travel to an HOS within one year of the servicemember's termination from active duty unless additional time is authorized or approved. JTR paragraph 052013, HHG Transportation in Connection with Retirement HHG must be turned over for transportation within one year following active duty termination.

c. The applicant's retirement orders, dated 15 August 2019, with a retirement date of 30 June 2020, provided instructions in the modification order 078-0002 paragraph k: "...your entitlement to such transoceanic transportation will terminate if travel is not completed within one year of the date of your release from active duty." The applicant requested his reinstatement 24 months after travel and transportation expired on 30 June 2021.

d. G-4 lacked the JTR authority to retroactively approve an expired travel and transportation authorization 24 months after the fact.

5. On 15 December 2023, the advisory opinion was provided to the applicant to allow him the opportunity to respond. 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 to be credible when he states he was not aware of the requirement to request annual extensions of his retirement transportation entitlements. The Board determined his record should be corrected to show he as approved annual extensions through 30 June 2025. If the applicant requires an extension beyond that date, he will have to submit a request to his servicing 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 extensions of his retirement transportation entitlements were approved through 30 June 2025.

9/16/2024

X

CHAIRPERSON

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:

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//