

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 July 2024

DOCKET NUMBER: AR20230012775

APPLICANT REQUESTS: in effect, an exception to policy for reinstatement of expired household goods (HHG) transportation and travel entitlements associated with her retirement.

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

- DD Form 149 (Application for Correction of Military Record)
- Orders Number 007-0024, 7 January 2020

FACTS:

1. The applicant states she requests an extension of her final move with the Army be reinstated and extended for her final move to her home of record. She was unaware she had to extend this entitlement every year after retirement. She retired during COVID and was unable to have a retirement ceremony and unable to move at the time of retirement. Please reconsider the decision.

2. A review of the applicant's official records show the following:

a. Having prior enlisted service in the Regular Army (RA), she enlisted in the RA on 31 July 2008.

b. On 7 January 2020, the U.S. Army Garrison-Hawaii published Orders Number 007-0024, which retired the applicant, effective 31 October 2020, and placed her on the retired list, effective 1 November 2020. In relevant part, the additional instructions state:

(1) Contact the Schofield Barracks Transportation Office to schedule shipment of HHG and counseling on transportation entitlements.

(2) The applicant was authorized up to one (1) year from the effective date of retirement to complete travel, ship HHG, and privately owned vehicle to her final home of selection (HOS).

c. On 31 October 2020, she was retired.

3. On 6 February 2024, the Chief, Transportation Policy Division, Office of the Deputy Chief of Staff, G-4, provided an advisory opinion for this case and stated:

a. This office reviewed the application and noted the following regulatory provisions in support of a decision. The Secretarial Process (Army G-1/G-4) has no Joint Travel Regulations (JTR) authority to reinstate an expired travel and transportation, HHG shipment authorization, which ended on 31 October 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 (USC), 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 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 7 January 2020, with a retirement date of 31 October 2020, provided for additional instructions in paragraph f: "You are authorized up to 1-year from the effective date of retirement to complete travel, ship household goods, and privately owned vehicle to your final home of selection." The applicant requested her reinstatement some 23 months after travel and transportation expired on 31 October 2021. This office lacks the JTR authority to retroactively approve an expired travel and transportation authorization 23 months after the fact.

4. On 7 February 2024, the applicant was provided a copy of the G-4 advisory opinion for comments and/or rebuttal. She did not respond.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, a majority of the Board found relief is warranted.

2. A majority of the Board found it probable that, because the applicant retired during the pandemic when operations protocols dictated minimal personal contact, she may not have been fully briefed on the action she was required to take annually to obtain extensions for the transportation entitlements related to her retirement. A majority of the Board determined the applicant's record should be corrected to show she submitted timely annual requests for extension of her transportation entitlements and the requests were approved.

3. The member in the minority concurred with the conclusion of the advisory official that the applicant's retirement orders clearly stated the time limit associated with her transportation entitlements and determined there was no error or injustice in this case.

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 she submitted timely annual requests for extension of the transportation entitlements associated with her retirement and the requests were approved.

12/26/2024

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:

1. Army Regulation 15-185 (Army Board for Correction of Military Records (ABCMR)), states that the ABCMR begins its consideration of each case with the presumption of administrative regularity. It will decide cases based on the evidence of record and it is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

2. JTR section 052013 (HHG Transportation in Connection with Retirement), in effect at the time, states in pertinent part:

a. Paragraph B (Time Limits) – HHG must be turned over for transportation within 1 year following active duty termination, except as in Table 5-33.

b. Paragraph C (Other Deserving Cases) – Time-limit extensions may be authorized or approved through the Secretarial Process when:

(1) 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.

(2) 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.

c. Time-limit extensions may be authorized or approved only for the specific period 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. Also see paragraph 051003-I for restrictions on time-limit extensions.

3. Title 10, USC, Section 1552 states the Secretary concerned may pay, from applicable current appropriations, a claim for the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, if, as a result of correcting a record under this section, the amount is found to be due the claimant on account of his or another's service in the Army.

//NOTHING FOLLOWS//