

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 August 2024

DOCKET NUMBER: AR20230014341

APPLICANT REQUESTS: in effect, an extension of his expired transportation and/or personal property shipping date.

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

- DD Form 149 (Application for Correction of Military Record)
- Orders 238-0043, Installation Management Command, 26 August 2019
- Orders 016-0020, Installation Management Command, 16 January 2020
- Orders 058-0001, Installation Management Command, 27 February 2020
- DD Form 214 (Certificate of Release or Discharge from Active Duty)
- DD Form 3151 (Entitlement Extension Request), 26 September 2023
- U.S. Department of Agriculture, Veterans and Entrepreneurship, The Agriculture Community and Rural America Rely on Veterans
- White Oak Pastures Team, Our Internship Program: Training the Next Generation

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, in effect, there is no injustice or error in his record to be corrected. He asks the Board to consider his appeal for a short extension for shipping his personal property, which expired a few months ago. As part of his retirement transition, he is participating in the Veterans to Farmers program, training to be a farmer. He is fully engaged in the immersion portion of the training, which requires him to work six days a week for 12 hours a day. It's tough training, but very beneficial to him to be successful in his transition from the military. Being on location in Georgia hindered his ability to travel to MacDill Air Force Base (AFB) to request an extension.
3. Having 11 years, 5 months and 19 days prior active service, the applicant entered active duty this period as an officer in the Regular Army on 30 November 2007.

4. Having sufficient service for retirement, on 30 June 2020, he retired honorably in the rank/grade of lieutenant colonel/O-5. The retirement orders, dated 26 August 2019, state:

Authorized up to one year to complete home of selection within the U.S. including Alaska and Hawaii, from date of separation. Contact the Transportation Office, for instructions.

5. The applicant provides copies of his retirement orders, information about Veteran agriculture entrepreneurship and internship programs, and his entitlement extension request. The extension request is dated 26 September 2023.

6. During the processing of this case, on 15 April 2024, an advisory opinion was obtained from the Chief, Transportation Policy Division, Office of the Deputy Chief of Staff, G-4. The advisory official stated:

a. The Joint Travel Regulation (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 26 August 2019, with a retirement date of 30 June 2020, provided additional instructions in paragraph g: "Authorized up to one year to complete home of selection within the U.S. including Alaska and Hawaii, from date of separation." The applicant requested an extension from the MacDill AFB, FL Transportation Office on 26 September 2023, or 27 months after his travel and transportation authorization expired on 30 June 2021. His late submission justification was based on his training location in Georgia hindering his ability to travel to MacDill AFB, FL to request an extension. There is no requirement to request extensions in person to any Transportation Office. The retiree could have submitted his extension request to the MacDill AFB, FL Transportation Office in writing via email after telephonic coordination.

d. Their office lacks the JTR authority to retroactively approve an expired travel and transportation authorization 27 months after the fact.

7. On 18 April 2024, a copy of the advisory opinion was forwarded to the applicant for information and to allow him the opportunity to submit comments or a rebuttal. To date, he has not responded.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records and Office of the Deputy Chief of Staff – G-4 – Transportation Policy Division advisory opinion, the Board concurred with the advisory official finding there is no requirement to request extensions in person to any Transportation Office. The governing regulation, JTR paragraph 052013, HHG Transportation in Connection with Retirement, B. Time Limits, provides that HHG must be turned over for transportation within 1-year following active-duty termination. The retiree could have submitted his extension request to the MacDill AFB, FL Transportation Office in writing via email after telephonic coordination. The Board determined evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, relief was denied.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined that the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

[REDACTED]

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 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. 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.
3. 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 considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//