

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 July 2024

DOCKET NUMBER: AR20230014526

APPLICANT REQUESTS: Reinstatement of her travel and transportation entitlement extension.

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

- DD Form 149 (Application for Correction of Military Record)
- Letter from Department of Veterans Affairs (VA) and Rating Decision, 8 February 2022 and 9 February 2022
- Letter from VA, 31 August 2023

FACTS:

1. The applicant states:

a. She is aware that according to the Joint Travel Regulation (JTR) she would have had to submit a request for an extension of transportation entitlements not later than 60 days prior to expiration of her entitlement to for travel and transportation. Due to health reasons, she did not meet this obligation. Over the past year, she has dealt with severe depression/adjustment disorder from her diagnoses as well as her transition from the military. As part of her mental diagnoses, she suffers from memory loss.

b. She was diagnosed with rheumatoid arthritis (RA) from the military, which caused a medical board that made her unfit for duty. After separation, she had to stay in South Carolina due to the severity of her RA. She had to stay near her assigned rheumatologist. During this time, her mental disorders started weighing down on her because of her health conditions and the added stress of being separated from the Army. Since battling her arthritis and mental health, she has separated from her spouse and she lost track of the time needed to request an extension.

c. She has since decided to move back closer to home to be with her family. She is looking to move near her family for moral support. She is requesting the extension to be able to do so. Not being able to use her entitlements would cause a financial hardship on her and her family. She acknowledges she should have been more responsible and

she wishes to be considered for correction/reinstatement of her travel entitlements. She and her family are trying to relocate by the end of September.

2. The applicant provides letters from the VA and a VA rating decision, which show:

a. The applicant received the following service connected disabilities, bilateral foot plantar fasciitis, migraines, adjustment disorder with mixed anxiety and depressed mood, RA in both arms and hands, RA in both legs, right and left hip iliopsoas tendinitis, lumbosacral spine strain with scoliosis, cervical spine strain, and painful scars post breast reduction.

b. Her combined service-connected rating was 100 percent (5) effective 15 January 2022.

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

a. DD Forms 4 (Enlistment/Reenlistment Document Armed Forces of the United States) show she enlisted in the Regular Army (RA) and entered active duty on 29 July 2013. She remained in the RA through immediate reenlistments.

b. Orders 267-1309, published by Headquarters, U.S. Army Garrison, Fort Jackson, 24 September 2021, reassigned the applicant for retirement separation processing with an effective date of 14 January 2022. The orders state she was authorized movement of her personal property and family members at government expense. She was authorized home of selection, one year travel, request for extension of transportation entitlements must be submitted not later than 60 days prior to expiration.

c. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows she was honorably retired on 14 January 2022 for permanent disability. She completed years, 5 months, and 16 days of active service.

4. On 22 April 2024, the Chief, Transportation Policy Division, Office of the Deputy Chief of Staff, G-4 provided an advisory opinion, which states:

a. 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 05-1003-11, 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 05203, household

good (HHG) transportation in connection with retirement, HHG must be turned over for transportation within one year following active duty termination.

c. The applicant was required to request an annual travel and transportation extension from the Fort Jackson, South Carolina Transportation Officer prior to her one year retirement anniversary date of 14 January 2023. She retired on 14 January 2022, and submitted her extension request seven months late on 28 August 2023. She provided extenuating medical evidence to the Army Review Board Agency from the VA, dated 8 February 2022 with a disability rating of 30% due to adjustment disorder with mixed anxiety, depressed mood, panic attacks, and insomnia.

d. G-4 recommends the Board approve the extension of her travel and transportation authorization at the government expense to her HOS until 14 January 2025.

5. On 18 April 2024, the advisory opinion was provided to the applicant to allow her the opportunity to respond. She did not respond.

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 14 January 2022. The JTR states a servicemember and dependents must begin travel to a home of selection within one year of the servicemember's termination from active duty unless additional time is authorized or approved. HHG must be turned over for transportation within one year following active duty termination. The applicant was required to request an annual travel and transportation extension from the Fort Jackson, SC Transportation Officer prior to her one year retirement anniversary date of 14 January 2023. She retired on 14 January 2022, and submitted her extension request 7 months late on 28 August 2023. She provided extenuating medical evidence from the VA, dated 8 February 2022 with a disability rating of 30% due to adjustment disorder with mixed anxiety, depressed mood, panic attacks, and insomnia. The Board was persuaded by the applicant's contention and found her request is justified. The Board also agreed with the G-4 advisory official's determination that approval of the extension of her travel and transportation authorization at the government expense to her home of selection until 14 January 2025 is appropriate.

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 14 January 2025.

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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:

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. 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//