

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 September 2024

DOCKET NUMBER: AR20230015153

APPLICANT REQUESTS: correction of her record to show retroactive approval of extension of expired travel and transportation entitlements of Household Goods (HHG).

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored statement
- U.S. Army Installation Management Command Headquarters (HQs), U.S. Army Garrison, Fort Bragg, NC Orders Number 311-0263
- DD Form 214 (Certificate of Release or Discharge from Active Duty) service ending 31 May 2015
- U.S. Senator T- T- letter
- HQs, U.S. Army Sustainment Command letter
- Department of Veterans Affairs (VA) Form 10-5345 (Request for and Authorization to Release Health Information)
- Medical records

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 filed a Congressional inquiry to attempt to obtain an exception to policy for the retroactive approval for a final transportation of her HHG. The response she received from the Congressional was her maximum entitlement expired on 31 May 2021 and the funding was no longer available. Her failure to request the extensions in a timely manner was due to her being under the care of a doctor for about 3-years after her retirement for severe Post-Traumatic Stress Disorder (PTSD) and behavioral health problems. Now that she is fully aware and no longer under the influence of substance abuse or illicit drugs due to her PTSD and anxiety, she would like for the government to find the money in the budget to move her HHG to Texas. She

begs the Board to show mercy and grant her an exception to policy for a retroactive approval for the transportation of her HHG.

3. A review of the applicant's service record shows:

a. On 8 May 1990, the applicant enlisted in the Regular Army and had continuous service through reenlistments.

b. The applicant's Enlisted Record Brief shows in Section:

- I (Assignment Information): served in Saudi Arabia during the period of 1 March through 19 August 1991 and in Afghanistan during the period of 1 July through 18 December 2005
- IV – Personal/Family Data: shows the applicant's PULHES 112111 (S stands for psychiatric)

c. On 7 November 2014, Orders Number 311-0263, issued by the U.S. Army Installation Management Command HQs, U.S. Army Garrison, Fort Bragg, NC, the applicant was reassigned to the Fort Bragg Transition Center, effective 31 May 2015, for release from active duty to be placed on the Retired List, effective 1 June 2015. The additional instructions stated:

- the applicant must attend a transportation briefing given by the Personal Property Shipping Office prior to arranging shipment/storage of her personal property
- she was authorized up to 1-year to complete the selection of a home and complete travel in connection with that action.

d. On 31 May 2015, the applicant was honorably retired from active duty and assigned to the U.S. Army Reserve Control Group (Retired Reserve) for sufficient service for retirement. DD Form 214 shows the applicant completed 25-years and 23-days of active service.

4. The applicant provides:

a. HQs, U.S. Army Sustainment Command letter to Senator T- T- dated 3 November 2023 which stated in accordance with the Joint Travel Regulation (JTR) the applicant was entitled to one-year of transportation of her HHG following the effective date of her retirement. This entitlement could be extended by the Transportation Office for five additional annual periods if the applicant requested an extension prior to each annual extension expiration. The JTR states the extensions may not be authorized for any reason for more than six-years from the date of her retirement. The applicant's

maximum entitlement for the transportation of her HHG expired on 31 May 2021 and funding on her retirement order no longer exists.

b. Eighty-two pages of VA medical records.

5. On 16 May 2024, in the processing of this case, the Office of the Deputy Chief of Staff G-4, provided an advisory opinion regarding the applicant's request for reinstatement of expired travel and transportation of HHG. The advisory official stated the Secretarial process has no JTR authority to reinstate an expired travel and transportation of HHG shipment authorization which expired on 31 May 2016. The JTR stated for all retirements prior to 24 June 2022, the applicant must begin travel to home of selection within one-year of her termination from active duty unless additional time was authorized or approved. The applicant's retirement order effective 31 May 2015 stated she was authorized up to one-year to complete selection of a home and complete the travel in connection to that action. She was required to request and receive annual transportation extensions from the Fort Bragg, NC, Transportation Office each year prior to her retirement anniversary date. She did not request any travel and transportation extension from the Fort Bragg, NC, Transportation Office. The Deputy Chief of Staff G-4 lacks JTR authority to retroactively approve a travel and transportation authorization which has been expired since 31 May 2016. Additionally, the JTR limits a retiree to move to a home of selection a maximum of six-years from the date of retirement, for the applicant expired on 31 May 2021.

6. On 17 May 2024, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment. On 20 May 2024, the applicant responded stating her request for the exception to policy is due to her medical condition at the time of her retirement. She was hospitalized prior to her retirement for approximately two-weeks for being homicidal and suicidal for making threats to kill her chain of command and herself.

a. She submitted her request for retirement prior to being identified for another tour in Afghanistan, which sat on the desk of her leadership for over two-months. She became numb and hopeless because she had been on four combat tours during her entire enlistment in the U.S. Army. Her last combat tour to Afghanistan in 2006 left her struggling and screaming for help. Being too ashamed to be seen as unfit for duty, she self-medicated with alcohol or prescription drugs. She was later diagnosed with PTSD, anxiety, depression and suicidal ideations. She was raped during that tour which left deep wounds because that was the third time she was raped while on active duty. She had been in and out of hospitals since 2014 until being assigned to a VA Behavioral Health Team.

b. During the period of May 2015 through May 2020, she was under strict care, suffering from drug overdose, alcoholism, sleep disorder, depression and displacement

disorder adjusting to civilian life. In September 2023, she decided it was time to move since her behavioral health providers had changed. This is when she was informed the extension of her transportation of her HHG needed to be requested annually. As a leader, she would not hold her Soldier accountable for something they clearly did not understand or know. She understand the JTR authorization has expired, all she asks the Board to take into consideration her incapability to make the annual request due to her mental illness.

7. MEDICAL REVIEW:

a. Background: The applicant is applying to the ABCMR requesting consideration for correction of her record to show retroactive approval of extension of expired travel and transportation entitlements of Household Goods (HHG).

b. The specific facts and circumstances of the case can be found in the ABCMR Record of Proceedings (ROP). Pertinent to this advisory are the following:

- The applicant enlisted into the Regular Army on 8 May 1990.
- The applicant retired from active duty on 31 May 2015 and was authorized one year to complete the selection of a home.
- The applicant was entitled to one-year of transportation of her HHG following the effective date of her retirement on 1 June 2015. Through her Senator's office on 6 November 2023, she was informed that the entitlement could have been extended by the Transportation Office for five additional annual periods if the applicant had requested an extension prior to each annual extension expiration. The JTR states the extensions may not be authorized for any reason for more than six-years from the date of her retirement. The applicant's maximum entitlement for the transportation of her HHG expired on 31 May 2021 and funding on her retirement order no longer exists.

c. Review of Available Records: The Army Review Board Agency (ARBA) Medical Advisor reviewed the supporting documents contained in the applicant's file. The applicant asserts she was under the care of a doctor for substance abuse, PTSD, and anxiety after her retirement, and she is requesting an exception to policy because she was not aware that she needed to request annual extensions. The application contained 82 pages of VA records, which encompassed her mental health records from July to September 2015. These records are summarized below. There was sufficient evidence that the applicant was diagnosed with PTSD or another psychiatric condition while on active service.

d. The Joint Legacy Viewer (JLV), which contains medical and mental health records for both DoD and VA, was reviewed and showed that the applicant initiated treatment for PTSD symptoms in September 2008, and she reported taking an antidepressant and

a sleep medication for one year prior. She reported deployment-related trauma exposure and was diagnosed with Major Depressive Disorder, Insomnia, and PTSD. In 2009 she was stationed in Korea and documentation showed she sought mental health treatment to restart medications and psychotherapy to manage family and work-related stress. She followed up intermittently and remained on the medications, which appeared to be helping, but in April 2012, while TDY, she experienced “a traumatic event” and her symptoms were exacerbated. She was seen for one follow up session and agreed to resume treatment at her home station, but the next mental health encounter was in November 2013. She reported anxiety-related symptoms and suicidal behavior and was restarted on medication. Following a PCS in June 2014, the applicant re-engaged in treatment and discussed difficulty with her new duty station, PTSD symptoms, and a desire to restart medication. Her frustrations with her new unit escalated to the point that she submitted her retirement packet, and in September 2014 she was hospitalized due to homicidal ideation with a plan to harm her chain of commander and then commit suicide. Her medication was changed, and she discharged four days later with reported improvement. Documentation from her inpatient stay discusses a history of trauma exposure, including having a gun pulled on her while trying to protect another soldier; sexual assault; and deployment experiences where a junior soldier was killed. Between October 2014 and February 2015, she continued with psychotherapy and medication management until her discharge and transfer of care to the VA.

e. The applicant initiated mental health treatment at the VA in July 2015, and she was referred for trauma-focused treatment associated with combat-related and military sexual trauma. Through 2015 and 2016, she routinely engaged in both outpatient medication management and psychotherapy, and her symptoms of PTSD waxed and waned while situational stressors, such as financial problems and disability evaluations, escalated her symptoms at times. The applicant continued with intermittent engagement in mental health treatment, and documentation did not show any additional hospitalizations or residential treatment programs. At her most recent mental health encounter on 30 August 2024, the applicant completed an intake and reported continued symptoms of anxiety and depression with self-medicating through alcohol use.

f. Based on the available information, it is the opinion of the Agency Behavioral Health Advisor that there is insufficient evidence to support that the applicant had a condition that rendered her incapacitated to the point of recommending an exception to policy. Both DoD and VA records show primary diagnoses of PTSD and Major Depressive Disorder, and, outside of one inpatient hospitalization in September 2014, her treatment has been in the outpatient setting. Notably, the applicant is 100% service connected at the VA for 32 physical and mental health conditions, and she is considered to be permanently and totally disabled. These evaluation processes require substantial paperwork, filings, appointments, and sometimes appeals, and offers some evidence to support the applicant’s intact mental capacity.

g. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Not applicable

(2) Did the condition exist or experience occur during military service? Not applicable

(3) Does the condition or experience actually excuse or mitigate the discharge? Not applicable

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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence shows the applicant retired on 31 May 2015. She was authorized up to one-year to complete selection of a home and complete the travel in connection to that action. Her travel and transportation of HHG shipment authorization expired on 31 May 2016. The JTR stated for all retirements prior to 24 June 2022, the applicant must begin travel to home of selection within one-year of her termination from active duty unless additional time was authorized or approved. She was required to request and receive annual transportation extensions from the Transportation Office each year prior to her retirement anniversary date. There is no evidence she requested any travel and transportation extension from the Transportation Office. Additionally, even if she were to show evidence of submitted and approved extensions, the JTR limits a retiree to move to a home of selection a maximum of six-years from the date of retirement, for the applicant expired on 31 May 2021. Therefore, the Board determined relief is not warranted.

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 the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

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, USC, 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. 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//