

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 November 2024

DOCKET NUMBER: AR20240003332

APPLICANT REQUESTS: in effect, reconsideration of his previous request to show his records were administratively corrected authorizing Defense Finance and Accounting Service (DFAS) to reimburse him \$1,886.40 for the airline tickets purchased for Temporary Duty (TDY) travel to Korea and return.

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

- Applicant's statement in lieu of DD Form 149 (Application for Correction of Military Record)
- Orders Number A-08-815752, 15 August 2008
- Army Board for Correction of Military Records (ABCMR) Record of Proceedings (ROP) Docket Number AR20210007505, 27 January 2022
- ABCMR Memorandum, Subject: ABCMR ROP for [Applicant], AR2021007505, 18 August 2022
- ABCMR letter to applicant, 18 August 2022
- Director, Case Management Division (CMD) letter to applicant, 6 October 2022
- DD Form 1351-2 (Travel Voucher or Sub-voucher), 24 January 2023
- United Mileage Plus Visa Signature Statement, 14 September 2008
- Email communication, 16 and 17 February 2023
- DFAS letter, 7 July 2023
- Partial copies of airline tickets

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the ABCMR in Docket Number AR20210007505 on 27 January 2022.

2. The applicant states:

a. Last year he was paid by DFAS based on a ruling from the Army Review Boards Agency (ARBA). The basic issue involved payment on a decade old TDY voucher that due to a series of events had never been submitted. ARBA determined that due to the

circumstances involved it was in the interest of justice to excuse his failure to timely file. (Encl 2). The Board voted unanimously to grant full relief.

b. While ARBA did rule in his favor it did not address the issue of airline ticket reimbursement specifically. This may have been due to a failure to adequately highlight that specific issue for them, or it may have been an oversight in their [ABCMR] instructions to DFAS. The applicant's original orders state tickets purchased at own expense will not be reimbursed without required justification. (Encl 4).

c. In 2008, he was in a Reserve Component Individual Mobilization Augmentee status aligned with Special Operations Command Central. He received a short notice (2-3 days) request to support Special Operations Command-Korea. By the time his orders were actually received there was literally no time left to get a set of amended orders authorizing purchasing tickets at his own expense or get the airline tickets issued by a travel office and then get to the airport to make the flight to Korea. He was verbally told to proceed with purchasing the tickets and fix it later. This would represent the justification to amend the original orders authorizing purchasing tickets at his own expense.

d. As noted, (and approved) in the ARBA decision it was over a decade after the fact before paperwork was able to finally be submitted. Given the age of the original action he has no ability to identify a Unit Approving Official (AO) who could approve such an action as identified in email correspondence with DFAS Division Chief, Mr. M_, who also states that DFAS is not the approving authority for this action. (Encl 4). However, the ARBA decision was clear that the intent was to Grant Full Relief which would include full compensation for the airline tickets as well.

e. The applicant requests for ARBA or possibly U.S. Army Human Resources Command (AHRC) to complete the necessary administrative actions to authorize DFAS to reimburse him \$1,886.40 for the airline tickets purchased to travel TDY to Korea and return as noted on DD Form 1351-2 dated 23 January 2023 supported by receipts. He further requests ARBA to amend the previous ruling in his favor to authorize modification of the original Travel Order to include language to the effect that personal acquisition of travel tickets is authorized and reimbursable. This amendment will enable DFAS to include the airline ticket expense in their calculations for reimbursement.

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

a. On 24 March 1987, DA Form 71 (Oath of Office – Military Personnel) shows he was appointed in the U.S. Army Reserve, as a first lieutenant, and executed his oath of office.

b. On 15 August 2008, AHRC published Orders Number A-08-815752, which ordered the applicant to active duty for operational support under Title 10, U.S. Code, section 12301(D), with a report date of 20 August 2008, for a period of 42 days, with duty at Yongsan, Korea. The additional instructions state:

- all official travel must be arranged through Carlson Travel or nearest SATO [Scheduled Air Transportation Office]
- tickets purchased at own expense will not be reimbursed without required justification.

c. On 24 August 2021, AHRC published Orders Number C08-195486, which placed the applicant on the Army of the Retired List, effective 28 May 2020.

d. On 27 January 2022, ABCMR ROP Docket Number AR20210007505 shows, the Board voted unanimously to grant full relief for the applicant's request for reimbursement of TDY expenses for his deployment to Korea in 2008. The Board determined the applicant's record should be corrected to show he submitted a completed travel voucher with supporting documentation for his period of TDY in Korea in a timely manner and he should be reimbursed for his expenses in accordance with the Joint Travel Regulation (JTR).

4. The applicant provides:

a. ABCMR Memorandum - Subject: ABCMR ROP for [Applicant], AR2021007505, dated 18 August 2022, which states, in pertinent part, the recommendation of the ABCMR is approved.

b. ABCMR letter to applicant dated 18 August 2022, which states full relief to his request was granted.

c. Director, CMD letter to applicant dated 6 October 2022, which states, a copy of the Board's decision was forwarded to DFAS-Indianapolis for final action. The applicant did not need to take any action at this time.

d. DD Form 1351-2 dated 24 January 2023, which lists his airline ticket in the amount of \$1,886.40 and shows he submitted the travel voucher for electronic fund transfer payment.

e. United Mileage Plus Visa Signature Statement dated 14 September 2008, showing a summary, mileage plus miles earned, transactions, and price of airline ticket.

f. Email communication dated 16 and 17 February 2023, between the applicant and the Division Chief Travel Pay-TDY, DFAS-Rome discussing amendments to the

applicant's DD Form 135-2 and payment for his airline ticket. The Division Chief also stated, ARBA generally does not rule that the applicant or applicants are to be paid but rules that records are to be corrected to allow for payment. Once corrected the applicant's documents are sent to DFAS to calculate the payment which DFAS provides to the applicant, and he submits to the Claims and Corrections branch in accordance with the first document in his attached submission packet. The calculation previously provided was based on the documents that were provided, however, based on the applicant's responses the Division Chief recommended holding off on submitting that calculation until the applicant addressed item 2 below to allow for full calculation.

(1) The adjustments the applicant had made on his attached amended DD Form 1351-2 would now allow DFAS to include the terminal mileage that was not included in the original computation.

(2) While the Division Chief understood the explanation for the applicant incurring airfare costs the orders, he did not allow for it to be reimbursed and DFAS-Rome was not the correct authority to determine if the applicant's justification is sufficient.

g. DFAS letter to the applicant, dated 7 July 2023, which states, DFAS determined that the applicant was due money as a result of the recent correction of his military records, by the Office of the Secretary of the Army, Directive [Docket] Number AR20210007505. The payment was electronically transferred to the bank account reflected on the enclosed DFAS-DE Form 67, Military Pay and Allowance Voucher. The applicant's account should reflect this direct deposit.

h. Partial copies of what appears to be the applicant's airline tickets to and from Korea.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board found that relief was warranted. The Board carefully considered the applicant's request, supporting documents, evidence in the records, the Defense Finance and Accounting Service (DFAS) letter to the applicant, and the applicant's previous ABCMR consideration. The Board considered the applicant statement, his record of service, and documents provided by the applicant. The Board concluded he was entitled to reimbursement for airline tickets. Therefore, the Board granted relief.

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 Army records of the individual concerned be corrected to show he was entitled to reimburse him \$1,886.40 for the airline tickets purchased for Temporary Duty (TDY) travel to Korea and return.

█

█ █

█
█

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 31, USC, section 3702, also known as the Barring Act, prohibits the payment of a claim against the Government unless the claim has been received by the Comptroller General within 6 years after the claim accrues. Among the important public policy considerations behind statutes of limitations, including the 6-year limitation for filing claims contained in this section of Title 31, USC, is relieving the government of the need to retain, access, and review old records for the purpose of settling stale claims, which are often difficult to prove or disprove.
2. Army Regulation 15–185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the Army Board for Correction of Military Records (ABCMR). In pertinent part, it states that 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. The ABCMR will decide cases based on the evidence of record. It is not an investigative agency.
3. The Joint Travel Regulation implements policy and laws establishing travel and transportation allowances of Uniformed Service members and Department of Defense (DoD) civilian travelers. It also implements station and certain other allowances. Paragraph 020207 (Reimbursement for Commercial Transportation):
 - a. Subparagraph A (Commercial Air, Train, Ship, or Bus Transportation) states, a traveler is reimbursed the authorized or approved transportation cost, which includes the fare and the Travel Management Company (TMC) fee. If a traveler uses Government procured transportation for part of a leg of travel, reimbursement to a traveler must be reduced by the cost of the Government-procured transportation. However, advanced seat assignment and additional-fee seating is a personal choice. Any fee incurred for changing the seat assignment is not reimbursed unless it is in the Government's interest, such as would be the case for an eligible traveler with a medical or special need.
 - b. Subparagraph E (Reimbursement When a TMC Is Available but Not Used) states, when a TMC is available but not used by a traveler, reimbursement for transportation costs is limited to the amount that the Government would have paid if the arrangements had been made directly through a TMC. Transaction fees are not reimbursable, as it should be extremely rare that a TMC is not available.
 - c. Subparagraph F (Reimbursement When a TMC Is Not Available) states, when the Approving Official (AO) certifies that a TMC is not available to arrange the required official transportation, the traveler receives reimbursement for the actual authorized or approved transportation costs, including the transaction fee. The total transportation

reimbursement must not exceed the policy-constructed fare that meets mission requirements.

d. Subparagraph G (Reimbursement When a TMC cannot be reached) states, when the AO certifies that a traveler was unable to make arrangements for official travel through the TMC in a timely manner, the TMC is considered not available. The traveler may receive reimbursement for the actual authorized transportation costs, including the transaction fee. The total transportation reimbursement must not exceed the policy constructed fare that meets mission requirements. The AO must certify on an individual basis that the authority to self-procure transportation is authorized and TMC unavailability would result in one of the following:

- An unreasonable burden on mission accomplishment;
- A compromise of national security interest; or
- A matter endangering life

//NOTHING FOLLOWS//