

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 December 2024

DOCKET NUMBER: AR20240004814

APPLICANT REQUESTS: entitlement to Dislocation Allowance (DLA) associated with a Permanent Change of Station (PCS) move in September 2017.

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

- DD Form 149 (Application for Correction of Military Record)
- Orders Number 329-002, 25 November 2013
- Orders Number 106-50, 15 April 2016
- Orders Number 272-41, 29 September 2017
- Orders Number 124-68, 4 May 2021
- Orders Number 180-55, 29 June 2021
- Orders Number 263-49, 20 October 2021
- Orders Number 010-46, 10 January 2022

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 in pertinent part that he received PCS orders in September 2017, directing him to relocate from Charlottesville, Virginia to Washington D.C. He notes that he performed the PCS move without receiving financial compensation.

3. A review of the applicant's available service records reflects the following:

a. After serving as an Enlisted Soldier, on 20 June 1997, the applicant was appointed a commission as a Reserve Warrant Officer.

b. On 15 April 2016, the U.S. Army Installation Management Command issued Orders Number 106-50 reassigning the applicant from Fort Bragg, NC (with duty in Charlottesville, Virginia) to Charlottesville, Virginia, effective 1 April 2016; note that the orders further indicate that the applicant was not authorized movement of his

dependents or household goods at government expense. This was a no cost reassignment and no expense to the government would be incurred as a result of this move.

c. On 29 September 2017, the U.S. Army Installation Management Command issued Orders Number 272-41 reassigning the applicant from Fort Bragg, NC (with duty in Charlottesville, Virginia) to Charlottesville, Virginia (with duty at the Pentagon, Virginia), effective 31 October 2017. These orders further provide that this is a no cost reassignment and no expense to the government would be incurred as a result of this move.

4. The applicant provides the following a:

a. Orders Number 329-002 dated 25 November 2013, reflective of the applicant being ordered to proceed on PCS from Washington D.C. to Charlottesville, Virginia, effective 1 February 2014. The applicant was authorized shipment of household goods at the with dependent rate.

b. Orders Number 124-68 dated 4 May 2021, reflective of the applicant being ordered to proceed on PCS from Charlottesville, Virginia to Fort Bragg, NC, effective 30 September 2021. The applicant was authorized shipment of his household goods.

c. Orders Number 180-55 dated 29 June 2021, reflective of Orders Number 124-68 being amended to reflect a change of his assigned address from Charlottesville, Virginia to reflect Charlottesville, Virginia with duty in Washington D.C.

d. Orders Number 263-49 dated 20 October 2021, reflective of Orders Number 124-68 being amended to reflect a 29 October 2021, reporting date rather than a 30 September 2021, reporting date.

e. Orders Number 010-46 dated 10 January 2022, reflective of Orders Number 124-68 being amended to reflect a 31 January 2022, reporting date rather than a 29 October 2021, reporting date.

5. On 20 November 2024, the Department of the Army, Office of the Deputy Chief of Staff, G-1, Financial Management Analyst, Travel and Transportation, provided an advisory opinion recommending approval of the applicant's request noting that his orders from Charlottesville, Virginia with duty at the Pentagon, Virginia, were issued as a no cost move and did not contain any funding to move his dependents or household goods. As a result, there was no authority to issue a DLA payment; however, in 2013 his PCS orders from Washington D.C. to Charlottesville, Virginia, were issued as a full cost move authorizing the movement of dependents and household goods which entitled the applicant to DLA. The Joint Travel Regulation, Chapter 5, subsection A5F,

paragraph 5260, authorized a short distance household goods move with an approved Secretarial Waiver. There was no substantiating documentation submitted reflective of the applicant requesting an Exception to Policy (ETP); however, based on the criteria in the above reference he would have received an approved ETP and amended orders to fund the move of his dependents and household goods, thus be entitled to DLA.

6. On 22 November 2024, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. As of 7 December 2024, the applicant 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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence shows the applicant's orders from Charlottesville, VA with duty at the Pentagon, VA, were issued as a no cost move and did not contain any funding to move his dependents or household goods. As a result, there was no authority to issue a DLA payment; however, in 2013 his PCS orders from Washington D.C. to Charlottesville, VA, were issued as a full cost move authorizing the movement of dependents and household goods which entitled the applicant to DLA. A dislocation allowance (DLA) is a flat amount paid to a service member to partially reimburse them for the cost of moving their household. The Board reviewed the advisory opinion but did not agree. The Board found no substantiating documentation to show the applicant submitted an Exception to Policy (ETP). More importantly, the key question for the Board is whether the applicant did or did not move his family and/or household goods. It is unclear to the Board if the applicant moved his household good and dependents. Therefore, in the absence of such evidence and contrary to the advisory opinion, 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.

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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:

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. Joint Travel Regulation, Section 050104 (Dislocation Allowance DLA)) provides that DLA partially reimburses a Service member for expenses incurred in moving a household. The household move must be required by a PCS, ordered for the Government's convenience, required due to an evacuation, or otherwise authorized in section 0505. A DLA is a flat amount and may be paid as a primary DLA, a secondary DLA, or a partial DLA, depending upon the circumstances of the household move. A DLA is mandatory when the conditions in this chapter are met. Only one DLA is permitted in a fiscal year, unless the situation qualifies as an exception. A service member may be paid DLA if the service members PCS order is amended, modified, cancelled or revoked. The amount payable for a DLA is usually based on whether the service member has a dependent.

a. The allowances in this paragraph apply regardless of if the Service member has a dependent. A Service member may be eligible for DLA in any of the following circumstances:

- Short-Distance Move. The Service member is authorized a short-distance Household Goods move at Government expense:
 - from a private-sector residence to another private-sector residence, for the Government's convenience, when proper authority directs the Service member to vacate local housing because the residence does not meet the Service's health and sanitation standards; this does not apply to moves to or from privatized housing
 - due to a PCS to a new Permanent Duty Station (PDS) that is in proximity to the old PDS or when reassigned between activities at the same PDS

b. For DLA purposes, a Service member with a dependent is one who, on the effective date of a PCS or ITDY order, has a dependent who is authorized transportation under that order. If the spouse is a dependent on the effective date of the order, the Service member is a Service member with a dependent even if the spouse received travel allowances upon separation from the Service as a former Service member.

- A Service member with a dependent is authorized a DLA when:

- the dependent relocates in connection with the PCS
- the dependent relocates in connection with an official alert notification before the Service member receives a PCS order to a PDS OCONUS where dependent travel is not authorized
- the Service member performs a PCS between PDSs not in proximity to each other, or relocates due to an ITDY order, but the dependent makes a proximity move based on the PCS order or ITDY order

//NOTHING FOLLOWS//