

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 February 2025

DOCKET NUMBER: AR20240005926

APPLICANT REQUESTS: in effect, an extension of his personal property shipping date and a personal appearance hearing before the Board via video or telephone.

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

- DD Form 149 (Application for Correction of Military Record)
- Order 020-700, State of South Dakota, Department of the Military, Office of the Adjutant General, 20 January 2021
- Letter, Department of Veterans Affairs (VA), 22 March 2022
- DD Form 3156 (Home of Selection Travel and Transportation Entitlement Authority), 26 March 2024
- Letter and Transcripts, Sturgis Brown High School, 27 March 2024
- Letter, Department of the Air Force, Personal Property Activity Headquarters, 28 March 2024
- 2 pages of email correspondence 28 March 2024, 8 April 2024, 30 May 2024, 12 June 2024
- Memorandum, Office of the Deputy Chief of Staff, G-4, 25 November 2024
- Letter, Army Review Boards Agency, 19 December 2024

FACTS:

1. The applicant states, in effect, his travel and transportation authorization to his home of selection at Government expense expired on 31 March 2022. He was subsequently denied due to not extending yearly. He claims he was told upon retirement by the chief warrant officer who out processed him that he had 5 years, there was no mention of extensions being required. Had he mentioned this, he is sure his post-traumatic stress disorder which causes anxiety, would never have let him forget the process requirements. The denial letter states that the information was in the Soldier for Life Transition Assistance Program (SFL-TAP) brief, which he does not believe he attended. He gets gaps in his memory due to multiple concussions while on active duty, but he thinks he would remember the course. He is 100% disabled per the VA and needs to move closer to his family for care. He cannot do this without assistance. He just wants his home of selection permanent change of station benefit reinstated because his daughter is graduating and moving on to college and he needs to move within the state.

2. Having sufficient service for retirement, on 31 March 2021, he retired honorably in the rank/grade of First Sergeant/E-8.

3. The applicant provides:

a. Order 020-700, State of South Dakota, Department of the Military, Office of the Adjutant General, 20 January 2021. Additional instructions states (b) "You are authorized to ship your household goods to your home of selection."

b. VA letter, 22 March 2022, noting his is 100% service-connected and considered to be totally and permanently disabled due solely to his service-connected disabilities.

c. DA Form 3156 authenticated on 26 March 2024.

d. Letter and transcripts dated 27 March 2024, noting his daughter will graduate on 19 May 2024.

e. Email correspondence tracking his application to the Board.

f. Letter, Department of the Air Force, Personal Property Activity Headquarters, 28 March 2024, which notes his transportation authorization to home of selection at Government expense expired on 31 March 2022 and could not be reinstated by Headquarters Department of the Army. Attached was the travel and transportation slide used during the SFL-TAP brief available either in-person or on-line clearly stating "one year limit on relocation transportation."

4. During the processing of this case, on 25 November 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. A Service member and dependents must begin travel to a home of selection within 1-year of the service member's termination from active duty unless additional time is authorized or approved. JTR paragraph 052013, Household Goods Transportation in Connection with Retirement, B. Time Limits. Household goods must be turned over for transportation within 1-year following active-duty termination.

c. The applicant's retirement orders dated 20 January 2021, with a retirement date of 31 March 2021, provided additional instructions in paragraph b: "You are authorized to ship your household goods to your home of selection." The applicant requested reinstatement 23 months after travel and transportation expired on 31 March 2021.

d. Their office lacks the JTR authority to retroactively approve an expired travel and transportation authorization 23 months after the fact.

5. On 19 December 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.

6. Army Regulation 15-185 (ABCMR) states an applicant is not entitled to a hearing before the ABCMR. Hearings may be authorized by a panel of the ABCMR or by the Director of the ABCMR.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was 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 request, available military records and the Chief, Transportation Policy Division, Office of the Deputy Chief of Staff, G-4 advisory opinion, the Board acknowledged at the time of retirement, the Joint Travel Regulation (JTR) imposed a one-year time limit for initiating travel and transportation of household goods, absent prior approval for extension. The applicant's transportation entitlement expired on 31 March 2022, and his request for reinstatement was submitted 23 months after expiration.

2. The Board found based on the absence of fraud or willful neglect, applicant's authenticated DA Form 3156 and maintained consistent communication regarding his request, there is sufficient evidence to grant an extension of his personal property shipping entitlement. Therefore, relief is granted authorizing an extension of the applicant's household goods transportation entitlement, showing he submitted his extension paperwork prior to the 181st day and is authorized reinstatement of his expired transportation/ travel entitlements.

3. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable

decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

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 the Army records of the individual concerned be corrected to show the applicant submitted timely extension paperwork to extend his expiring transportation/travel entitlements IOT retain his transportation benefit.

■ [REDACTED]

[REDACTED]

[REDACTED]

[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. 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 Home of Selection. A Service member and dependents must begin travel to a home of selection within 1-year of the Service

member's termination from active duty unless additional time is authorized or approved. JTR paragraph 052013, Household Goods Transportation in Connection with Retirement, B. Time Limits. Household goods must be turned over for transportation within 1-year following active-duty termination.

2. Army Regulation 15-185 prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires. 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//