

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 February 2025

DOCKET NUMBER: AR20240006188

APPLICANT REQUESTS: in effect, an extension of his personal property shipping date.

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

- DD Form 149 (Application for Correction of Military Record)
- Orders 204-0008, U.S. Army Human Resources Command, 23 July 2021
- DD Form 214 (Certificate of Release or Discharge from Active Duty), ending 23 September 2021
- Orders D278-0005, Headquarters, United States Army Physical Disability Agency, 5 October 2023
- DD Form 1797 (Personal Property Counseling Checklist), 29 March 2024

FACTS:

1. The applicant states, in effect:

a. The Joint Travel Regulation (JTR) states a retiree has up to 1 year to complete selection of home and complete travel connection or travel will be lost. The regulation changed this requirement to 3 years as of 24 June 2022.

b. His retirement date was 24 September 2021. He contacted Fort Liberty in August 2022, to initiate an extension and was misinformed that he didn't need to extend due to the new regulation dated 24 June 2022. He reached out to Fort Liberty to conduct his move to his home of record on 1 April 2024, and they told him he lost his entitlement 24 September 2022. Due to being misinformed; he is asking to have his entitlement reinstated since it is currently stuck at his last duty station.

2. On 23 September 2021, the applicant retired honorably in the rank/grade of staff sergeant/E-6, due to combat related disability.

3. The applicant provides his retirement orders and an incomplete Personal Property Counseling Checklist initiated 29 March 2024.

4. During the processing of this case, on 7 February 2025, 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 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 (HOS). A Service member and dependents must begin travel to an HOS within 1-year of the Service member's termination from active duty unless additional time is authorized or approved. JTR paragraph 052013, Household Goods (HHG) Transportation in Connection with Retirement, B. Time Limits. HHG must be turned over for transportation within 1-year following active-duty termination.

c. The applicant's retirement orders dated 23 July 2021, with a retirement date of 23 September 2021, provided additional instructions in paragraph a: "You are authorized up to 1 year to complete selection of a home and complete travel in connection with this action, or your shipping entitlement will be lost." The applicant requested a telephonic extension from the Fort Liberty Transportation Office in August 2023, which was 10 months after his travel and transportation authorization had already expired as of 23 September 2022.

d. Their office lacks the JTR authority to retroactively approve an expired travel and transportation authorization now 28 months after the fact.

5. On 18 February 2025, 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.

#### 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 petition, available military records and the Chief, Transportation Policy Division, Office of the Deputy Chief of Staff, G-4. advisory opinion, the Board noted the advising official stating that their office lacks the JTR authority to retroactively approve an expired travel and transportation authorization now 28 months after the fact. The Board noted the applicant's contentions that he was

misinformed by the Fort Liberty Transportation Office in August 2022 regarding the updated Joint Travel Regulation (JTR) policy, which extended the shipping entitlement period from one year to three years effective 24 June 2022.

2. The Board determined the applicant was under the premise he was covered under the new policy; the applicant did not submit a formal extension request within the original one-year timeframe. When he attempted to initiate his move on 1 April 2024, he was informed that his entitlement had expired on 23 September 2022. The Board determined the applicant acted in good faith based on guidance received from installation personnel and that his delay was not due to negligence or disregard of policy. The Board found the applicant’s circumstances warrant equitable relief. Given his honorable retirement due to combat-related disability, the miscommunication regarding regulatory changes, and his continued efforts to complete his relocation, reinstating his personal property shipping entitlement is justified. Therefore, relief is granted.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
XXX	XXX	XXX	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 his extension paperwork prior to the 23 September 2022 and is authorized reinstatement of his expired transportation/travel entitlements.

X //SIGNED//

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CHAIRPERSON

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 HOS. A Service member and dependents must begin travel to an HOS within 1-year of the Service member's termination from active duty unless additional time is authorized or approved. JTR paragraph 052013, HHG Transportation in Connection with Retirement, B. Time Limits. HHG must be turned over for transportation within 1-year following active-duty termination.
2. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. 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//