

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 February 2025

DOCKET NUMBER: AR20240007126

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)
- Self-authored statement, 5 April 2024
- Orders P-12-090219, U.S. Army Human Resources Command (AHRC), 31 December 2020
- Orders C-12-015920A01, AHRC, 7 January 2021
- Celebration of Life, 31 August 2023
- 3 pages of electronic mail, January thru February 2024
- Memorandum, Army Review Board Agency (ARBA), 23 December 2024
- Memorandum, Department of the Army, Office of the Deputy Chief of Staff, G-4, 23 December 2024
- Letter, ARBA, 2 January 2025

FACTS:

1. The applicant states, in effect:

a. He was recently informed that his entitlement had been withdrawn based on his failure to return to the installation to request the entitlement on a yearly basis. Based on this, the Army removed his entitlement of roughly \$7,000.00-\$10,000.00. He received an offer of employment that required relocation, he applied and was blessed to be accepted. He applied mistakenly believing that the Army would move his family within five years of retirement. He submitted a request for an exception to policy to the local transportation office and it was denied.

b. This relocation has been more important as life happens. They recently lost their beloved brother-in-law; his passing was totally unexpected. He lived in Atlanta and was the main provider for his mother-in-law. His wife is now required to take a more involved role with her elderly mother's care, who has early on set dementia. His wife recently returned from a trip to Atlanta and needs to go back in two weeks. They need to relocate to Atlanta to assist with his mothers-in-law's care.

c. He believes the Army would not be disadvantaged or harmed at all by reinstating the entitlement. The expense of the move should not have to be at their expense because the entitlement was hard earned over his nearly forty years of service. Therefore, he respectfully requests his exception to policy be granted.

3. Having sufficient service for retirement, on 30 June 2021, he retired honorably in the rank/grade of lieutenant colonel/O-5.

4. The applicant provides a self-authored statement, email correspondence pertaining to his failure to execute required extensions of his entitlement, and USA Staffing onboarding tasks. He further provides his retirement orders and amendment as well as a Celebration of Life document.

5. During the processing of this case, on 23 December 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 (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 31 December 2020, with a retirement date of 30 June 2021, provided additional instructions in paragraph a: "You are authorized up to one year to complete selection of a home and complete travel in accordance with this action." The applicant requested reinstatement 18 months after travel and transportation expired on 30 June 2022.

d. Their office lacks the JTR authority to retroactively approve an expired travel and transportation authorization 18 months after the fact.

6. On 2 January 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:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available evidence, specifically the applicant's statement stating he was not properly informed of the requirement to submit annual extensions, the Board concluded there was an injustice warranting a correction of the applicant's record showing he submitted annual extensions to retain his HHG relocation benefit.

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 by showing the applicant submitted timely submissions to retain his HHG relocation benefits through 7 August 2026.

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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. 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//