

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 August 2025

DOCKET NUMBER: AR20240012493

APPLICANT REQUESTS: correction of his record to show retroactive approval of extension of expired travel and transportation entitlements of Household Goods (HHG). A personal appearance before the Board.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored Statement
- Headquarters, III Corps and Fort Hood Orders Number 021-0204, 21 January 2020 shows:
 - He was placed on the Permanent Disability Retired List (PDRL)
 - 4-years and 29-days for disability retirement
 - He was authorized up to 1-year to complete selection of a home and complete travel
 - Shipment of HHG and travel allowances are authorized to a home of selection within the U.S. (including Hawaii and Alaska)
- Office of the Secretary of State Certificate of Filing, 27 December 2020 shows Basit and Rihan LLC was certified by the Secretary of the State of Texas
- CyberTex Institute of Technology transcripts for Network Engineer shows the applicant attending courses during the period of 30 October 2020 through 17 November 2021
- DD Form 214 (Certificate of Release or Discharge from Active Duty) service ending 30 March 2020

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, 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:

- He requests an exception to policy for a retroactive extension of the shipment of his HHG
- He was discharged from the Army in 2020, during the Coronavirus pandemic
- He was not able to request an extension annually for his transportation entitlements
- He started a business and attended school at the same time period
- He requested an extension from the Fort Hood Transportation Office
- After his medical retirement, his children were attending school and he decided wait on his final retirement relocation until they were out of school for the summer
- He and his family also were planning to move back to California
- While his children were in school, he opened a business and formed the LLC in December 2020
- He started attending school at CyberTex Institute of Technology in Austin, TX
- On 1 August 2023, he opened another business

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

- On 8 March 2016, he enlisted in the Regular Army (RA)
- On 20 November 2018, he extended his enlistment in the RA for 1-year
- On 7 January 2020, the formal Physical Evaluation Board (PEB) found him physically unfit for retention due to lumbosacral degenerative disc disease with small disc protrusion and sprain of the right wrist:
 - The PEB recommended he be placed on the PDRL with 30 percent disability
 - He concurred with the findings of the PEB
- On 30 March 2020, he was honorably retired from active duty and placed on the PDRL, DD Form 214 shows he completed 4-years and 23-day of active service

4. On 12 June 2025, in the processing of this case, the Office of the Deputy Chief of Staff G4 provided an advisory opinion regarding his request for a retroactive extension of shipment of his HHG. The advisory official stated the applicant did not provide any evidence of a unique hardship or medical condition during the past 66-months that would allow for the authorization to reinstate his HHG travel and transportation entitlements. His separation order was published 21 January 2020 with an effective date of 30 March 2020. The additional instructions stated: "you are authorized up to one year (1) year from the effective date of retirement to complete home of selection travel within the United States (including Hawaii and Alaska)". Joint Travel Regulation (JTR) paragraph 052013, (b) (HHG Transportation in connection with retirement Time Limits) HHG must be turned over for transportation within 1-year following active duty termination.

5. On 18 June 2025, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment. He did not respond.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, a majority of the Board found that relief was warranted. One Board member dissented citing the applicant did not present evidence of extenuating circumstances. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant entered active duty on 8 March 2016 and was medically retired on 30 March 2020. He had one year after retirement to select a home of record. He did not request annual extensions through the local installation transportation office. Upon review of the applicant's petition, and available military records, the Board did not concur with the Deputy Chief of Staff G-4 advisory, noting this was a period during COVID and monies are available for a period of five (5) years following the end of Fiscal Year 2020 (FY20). The Board also noted that based on the availability of FY20 funds the applicant's case should be expedited.

2. 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:

| <u>Mbr 1</u> | <u>Mbr 2</u> | <u>Mbr 3</u> | |
|--------------|--------------|--------------|----------------------|
| XXX | | XXX | GRANT FULL RELIEF |
| : | : | : | GRANT PARTIAL RELIEF |
| : | : | : | GRANT FORMAL HEARING |
| : | : XXX | : | 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 by showing the applicant filed and the Army approved, in a timely manner, his application to extend his entitlement to transportation of his HHG to his final home of selection under the provisions of the Joint Travel Regulation.

X //SIGNED//



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. 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. JTR (Uniformed Service Members and DoD Civilian Employees), the JTR implements policy and laws establishing travel and transportation allowances of Uniformed Service members and DoD civilian travelers. The JTR has the force and effect of law for travelers and implements statutory regulations and law for DoD civilian travelers. Organizations are expected to take appropriate disciplinary action when travelers willfully fail to follow the JTR. Chapter 5: Permanent Duty Travel (PDT) Part C: Household Goods Transportation (Service Members) The topic of HHG transportation includes a variety of functions associated with getting a Service member's or dependent's personal belongings from one location to another. Included in this section is the policy for the actual transportation or relocation of HHG, storage of HHG, and the various transportation methods available. Also in this section are the allowances for transportation of unaccompanied baggage; professional books, papers and equipment (PBP&E); and required medical equipment. A Service member is authorized transportation of HHG when moving is necessary due to a permanent change of station (PCS) or other reasons in this section.

a. Subparagraph K, an extension cannot be authorized or approved if it extends travel and transportation allowances for more than 6-years from the date of separation, release from active duty or retirement. The only time the 6-years may be exceeded is when a Service member's certified on-going medical condition prevents relocation of the dependent for longer than 6-years from the notification date.

b. Subparagraph I (Time Limitations for Travel to the HOS), a Service member and dependent must begin travel to an HOS within 3-years of the Service member's termination from active duty unless additional time is authorized or approved through the Secretarial Process. A Service member is eligible for the 3 year time limitation if the active duty termination effective date is on or after 24 June 2022. The 3-year time limitation does not apply retroactively to a travel authorized for a Service member or dependent with an effective active duty termination date before the effective date. If a Service member is prevented from traveling due to an unexpected event that is beyond the Service member's control and is related to the Service member's separation from the Service, the 3-year time limit applies for both the Service member and dependent's travel unless extended through the Secretarial Process. Any extension must be in the Service's best interest or substantially benefit the Service member and is not costly and does not have an adverse impact to the Service. 2. A Service member must request all

extensions in writing using the Secretarial Process. An extension may not be for more than 6-years from the date of retirement. The request must include the following: a. A description of the circumstances that prevent travel within the specified time period. b. The specific amount of additional time required. An extension should be for the shortest time necessary based on the circumstances. The 6-year limit may only be extended for travel to the HOS if a Service member has a certified and on-going medical condition.

c. Paragraph C (Other Deserving Cases), time-limit extensions may be authorized or approved through the Secretarial Process when: a. An unexpected event beyond the Service member's control occurs that prevents him or her from moving to the HOS within the specified time limit. b. The extension is in the Service's best interest or to the Service member's benefit, and it is not more costly or adverse to the Service. This includes cases where the 1-year time limit has already been extended due to hospitalization, medical treatment, education, or training. Time-limit extensions may be authorized or approved only for the specific period of time the Service member anticipates is needed to complete the move. If, at the expiration of this extension period, additional time is required, the Service member may request an additional extension through the Secretarial Process, explaining the reasons for the extension. An additional authorized period for a specific time may then be authorized or approved through the Secretarial Process. Time-limit extensions are not authorized for any reason for more than 6-years from the date of separation, release from active duty, or retirement.

3. 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. Paragraph 2-9 contains guidance on the burden of proof. It states the ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct. ABCMR members will review all applications that are properly before them to determine the existence of an error or injustice; direct or recommend changes in military records to correct the error or injustice, if persuaded that material error or injustice exists and that sufficient evidence exists on the record. The ABCMR may, in its discretion, hold a hearing. Applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice require.

//NOTHING FOLLOWS//