

**DEPARTMENT OF HOMELAND SECURITY
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2011-242

XXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXX

FINAL DECISION

This proceeding was conducted according to the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The Chair docketed the case after receiving the completed application on September 1, 2011, and assigned it to staff member J. Andrews to prepare the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated May 17, 2012, is signed by the three duly appointed members who were designated to serve as the Board in this case.

APPLICANT'S REQUEST AND ALLEGATIONS

The applicant asked the Board to correct his record so that he will be reimbursed for the full cost of flying his two dependents from Xxxxxx to Hawaii, which was \$2,460.46. The applicant stated that only \$840.00 of this expenditure was allowed, and yet he was not informed of this limitation.

The applicant alleged that he was never counseled about airfare for dependent travel before he transferred to Hawaii. His unit's yeoman was stationed in xxxxxxxx, across [REDACTED] xxxxxx, and the yeoman "never contacted me with any questions or concerns about my PCS [permanent change of station] departing worksheet or orders." Therefore, he was unaware of the limitations under paragraph U3002 of the Joint Federal Travel Regulations (JFTR), which required him to use a Schedule Airline Traffic Office (SATO), when he purchased his airfare for his dependents. The applicant further alleged that he was unaware that his dependents could fly through SATO. In support of his allegation, the applicant submitted the following documents:

- The applicant's travel orders, which he signed on June 9, 2011, state, "Issuance of these orders entitles you to PCS allowances IAW the JFTR. Contact your SPO and Transportation Office to verify your entitlements." The travel orders do not expressly state the limitation under paragraph U3002 of the JFTR, but do state that the tickets must be purchased "on GTR accounts."

- The applicant's Travel Vouchers, which he submitted to be reimbursed for his own travel on June 14, 2011, and his dependents' travel on June 27, 2011, both state that the applicant "was reimbursed using city pairs. Depns traveled from xxxxxxxxx to Honolulu, HI. Contract travel office (SATO) was not used to purchase airfare [in accordance with] JFTR U3002."
- A "PCS Departing/Separation Worksheet" that the applicant completed on March 24, 2011, states, "PURPOSE: Use this form to request PCS/Separation entitlements and provide information needed for completion of Official Travel Orders. If you have any questions, ASK YOUR YEOMAN." The applicant requested advances for "Advance Dislocation Allowance" and "Government Procured Transportation" for his dependents from xxxxxxxxx to Honolulu.

VIEWS OF THE COAST GUARD

On January 11, 2012, the Judge Advocate General (JAG) of the Coast Guard submitted an advisory opinion recommending that the Board deny relief in this case. The JAG stated that the applicant "failed to follow mandated travel requirements which he knew or should have known it was his duty to follow. Also, applicant's endorsement on his original orders ... indicates he was counseled on his travel entitlements." The JAG also adopted the findings and analysis provided in a memorandum on the case prepared by the Personnel Service Center (PSC). PSC stated that the JFTR and the applicant's travel orders required the applicant to purchase airfare on a GTR (Government Travel Request) account. PSC stated that the applicant is not entitled to reimbursement for purchasing tickets on a common carrier and was reimbursed the authorized amount for his dependents' travel.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On February 2, 2012, the applicant responded to the views of the Coast Guard. He stated that his yeoman "failed to inform me that my dependents had to travel using SATO travel. When I asked my yeoman about purchasing plane tickets for my dependents, he just said to buy them, never mentioning that I had to go through SATO travel to purchase the plane tickets." The applicant stated that he had never used SATO for prior transfers and was unaware his dependents could do so.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the applicant's military record and submissions, the Coast Guard's submissions, and applicable law:

1. The Board has jurisdiction over this matter pursuant to 10 U.S.C. § 1552. The application was timely.
2. The applicant alleged that he was not fully counseled about his travel entitlements and has been unjustly denied full reimbursement for his dependents' travel expenses. The Board begins its analysis in every case by presuming that the disputed information in the appli-

cant's military record is correct as it appears in his record, and the applicant bears the burden of proving by a preponderance of the evidence that the disputed information is erroneous or unjust.¹ Absent evidence to the contrary, the Board presumes that Coast Guard officials and other Government employees have carried out their duties "correctly, lawfully, and in good faith."²

3. The applicant alleged that when he asked a yeoman about his dependents' plane tickets, the yeoman said simply, "Buy them," and did not expressly tell him that he had to use SATO. He did not allege or prove that anyone actively miscounseled him about how to purchase his dependents' tickets. Unfortunately, the applicant clearly did not ask enough questions and erroneously assumed that he could simply buy airline tickets from any common carrier and be fully reimbursed for them by the Government. The Board finds that this assumption was not reasonable for any member of the Armed Forces, especially one with as many years of military service as the applicant has. Although the cost of the mistake was very expensive for the applicant, the Board finds that the Coast Guard's refusal to reimburse him for the full cost of his dependents' travel on a common carrier is neither erroneous nor unjust.³

4. Accordingly, the applicant's request should be denied.

[ORDER AND SIGNATURES APPEAR ON NEXT PAGE]

¹ 33 C.F.R. § 52.24(b).

² *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

³ See *Sawyer v. United States*, 18 Cl. Ct. 860, 868 (1989), *rev'd on other grounds*, 930 F.2d 1577 (citing *Reale v. United States*, 208 Ct. Cl. 1010, 1011 (1976) (finding that for purposes of the BCMRs under 10 U.S.C. § 1552, "injustice" is treatment by military authorities that "shocks the sense of justice").

