



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

LCC:ddj  
Docket No: 5937-01  
6 November 2001

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments  
(2) NAVSUPSYSCDM memorandum 4050 Ser 53C/188 of 1 October, 2001  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show that entitlement to ship household goods (HHGs) at government expense incident to his discharged from active duty was extended. Any outstanding storage charges will be settled in accordance with the Joint Federal Travel Regulations (JFTR).

2. The Board, consisting of Messrs. Novello, Pfeiffer, and Taylor, reviewed Petitioner's allegations of error and injustice on 6 November 2001 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

#### CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:

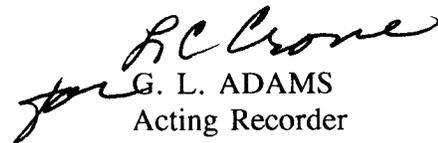
a. By letter dated 9 January 2001, directed to the appropriate naval authorities, Petitioner requested an extension in accordance with the JFTR of the 180 days in which to ship his HHGs, and that by letter dated 16 January 2001, addressed to the Petitioner, the appropriate naval authorities approved Petitioner's request for an additional period not to exceed one (1) year and four (4) months. Petitioner's entitlement to ship HHGs at government expense incident to his discharge from the Navy will expire on 27 April 2002. If the total weight of HHGs shipped exceed the weight of his entitlement as authorized by the JFTR; he is responsible for the cost of any part of the HHGs shipment that exceeds his entitlement of 14,500 pounds as authorized by the JFTR. The Board concluded that since the HHGs were in an overseas area they would authorize the extension of entitlement to ship HHGs. The government would have had to pay for shipping the HHGs if they had been shipped at the time of discharge or at this time thus the extension was authorized.

b. That part of the request for the government to pay for excess storage charges was denied. The 180 day entitlement to ship and store household goods at government expense when discharged was changed from one (1) year to six (6) months in 1981. Approximately 20 years have passed since the 180 day period was effective. The Personal Property Office in Rota, Spain repeatedly advised Petitioner that he had only 180 days to store and ship household goods. Additionally, Petitioner is not authorized any additional storage of household goods at government expense in the States.

c. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
G. L. ADAMS  
Acting Recorder

Docket No: 5937-01

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

6 November 2001

  
W. DEAN PFEIFFER  
Executive Director