



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

LCC:ecb
Docket No: 118-03
15 October 2003

[REDACTED]

Dear [REDACTED]

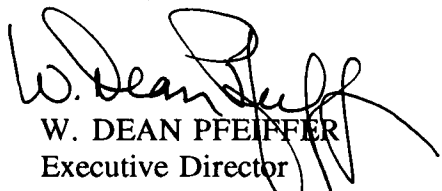
This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 October 2003. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CNO memorandum 7220 Ser N130C3/03U0075 dated 21 February 2003, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,


W. DEAN PFEIFFER
Executive Director

Enclosure




DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO
7220
Ser N130C3/ 03U0075
21 Feb 2003

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS

Via: Assistant for BCNR Matters, Pers-00XCB

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO


Ref: (a) Joint Federal Travel Regulations, Volume 1
(b) PERSUPP DET Okinawa Kadena, Japan MSG DTG 300605Z
Aug 02


Encl: (1) BCNR Case File #00118-03 w/Microfiche Service
Record

1. Per your request, the following recommendation concerning enclosure (1) is provided.

2. Enclosure (1) indicates a request for reimbursement of Temporary Lodging Allowance (TLA) for 4 days upon arriving at Headquarters and Headquarters Squadron, Marine Corps Air Station, Futenma, Japan the member's new Permanent Duty Station (PDS).

3. IAW reference (a) TLA is provided to partially reimburse a member for the more than normal expenses incurred while occupying temporary lodging. A review of enclosure (1) revealed that upon arriving to his new PDS the petitioner's sponsor advised the petitioner to check into a lodging facility that was not authorized IAW reference (b). Upon finding out that the location was not authorized the petitioner moved out. IAW reference (a), para. U9201 B1, the OCONUS TLA Authority sets and governs TLA policy procedures for members upon arrivals and departures. Reference (b) gave explicit guidance to the petitioner regarding check-in procedures to be eligible for TLA reimbursement.

4. Therefore, unless the petitioner can produce a non-availability statement for government quarters covering the time under consideration, N130E recommends disapproval of the petitioner's request for reimbursement of TLA.


Head, Travel and Transportation
Allowances Section (N130E)