Ref:

### **DEPARTMENT OF THE NAVY**

# BOARD FOR CORRECTION OF NAVAL RECORDS

### 2 NAVY ANNEX

#### WASHINGTON DC 20370-5100

LCC

Docket No. 5967-08

12 Aug 08

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO

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

Encl: (1) DD Form 149 w/attachments

(2) NAVSUPSYSCMD memo 4050 Ser 53C/055 of 10 Jul 08

(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 the Permanent Change of Station (PCS) orders reassigning him to SWFPAC Silverdale WA were cancelled prior to 23 March 2008.
- 2. The Board, consisting of Messrs. George, Pfeiffer, and Zsalman, reviewed Petitioner's allegations of error and injustice on 4 August 2008 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 that the request to reimburse Petitioner for moving his HHG warrants favorable action but the request for reimbursement for shipping the car from Silverdale WA to Jacksonville, FL should be denied.

## 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. NPC cancelled the orders on "22 March 2007" that reassigned the Petitioner from Navy Expeditionary Guard BATT, Guantanamo Bay, Cuba to SWFPAC, Silverdale WA.
- b. Reimbursement for shipping household goods (HHG) will be for actual cost based on shipping 2,860 pounds (the weight shipped by the government to Silverdale, WA). No additional incentive will be paid.

(NOTE: The Petitioner should resubmit his Personally Procured Move reimbursement claim. The claim package must include a copy of this letter authorizing the reimbursement, a copy of the member's original order to Silverdale, and receipts from the mover (AAA Gold Star) to the Business Support Department FISCN, HHG Audit Team Division, Code 302, 1968 Gilbert Street STE 600, Norfolk, VA 23511-3392.)

- c. That part of the request to pay for shipment of the BMW from Silverdale, WA is denied. The Petitioner had already used his orders to ship a 1995 Toyota from Guantanamo, Cuba to FL on 18 January 2007. This exhausted his entitlement for a vehicle shipment.
- d. A copy of this Report of Proceedings will be filed in Petitioner's naval record.
- 4. It is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN Recorder JUNILLIAM J. HESS, III
Acting Recorder

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.

12 August 2008

W. DEAN PFEIFFER