



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

LCC
Doc No. 10179-10
11 Mar 11

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

Subj: REVIEW OF NAVAL RECORD ICO

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

Encl: (1) DD Form 149 w/attachments
(2) PCS orders
(3) CMC memo 4050.1M LPD-2-MAE

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 he is entitled to reimbursement for cost of travel on a foreign flag carrier to Stuttgart, Germany.

2. The Board, consisting of _____ and _____, reviewed Petitioner's allegations of error and injustice on 18 January 2011 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 May 2010, Petitioner was being reassigned from the Marine Corps War College (MCWAR) Quantico, VA to the Special Operations Command Europe, Stuttgart, Germany. He was booked on a U.S. carrier by Carlson Wagonlit SATO Travel (the commercial travel office) for a direct flight from Washington DC to Stuttgart Germany.

c. Petitioner wished to take leave in Boston, MA after checking out of Quantico and before departing enroute to Germany. He further desired to depart enroute to Germany directly from Boston after his leave, without returning to Washington DC.

d. Towards that end, Petitioner self procured his own transportation using a foreign flag carrier. He coordinated his revised travel plans with the Installation Personnel Administration Center (IPAC). The IPAC included the revised travel plans in Petitioner's Permanent Change of Station (PCS) orders. See enclosure 2. Petitioner alleges that the IPAC made no objection to his use of a foreign flag carrier.

e. On 28 June 2010, Petitioner and his dependents travelled from Boston to London and on to Stuttgart, Germany using British Airways, a foreign flag carrier.

f. Upon arrival in Germany, Petitioner was denied reimbursement for the cost of the British Airways flights. He had not used a commercial travel office to arrange his transportation, he had used a foreign flag carrier without prior authorization and U.S. carriers were available for his transportation needs.

g. Petitioner asks that the record be changed to allow reimbursement for the cost of the British Airways flights based on his prior coordination of his transportation with the IPAC.

h. In correspondence attached as enclosure (3), the office having cognizance over the subject matter addressed in Petitioner's application has recommended the request be denied. Headquarters United States Marine Corps (LPD-2) reasons that Petitioner failed to arrange his travel through a commercial travel office and failed to use a U.S. flag carrier when one was available to meet his transportation needs.

CONCLUSION:

Upon review and consideration of all the evidence of record, notwithstanding the comments contained in enclosure (3), the Board concludes that Petitioner's request warrants favorable action. The Board gave careful consideration to the comments in enclosure (3) and recognized that Petitioner failed to follow established procedures. However, in the Board's view, Petitioner sufficiently advised the IPAC of the revised travel plans. By including the revised travel plans in Petitioner's PCS orders,

the IPAC ratified them sufficiently that the costs associated with the British Air flights should be reimbursed.

RECOMMENDATION:

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

a. Petitioner was furnished a "certificate of non-availability" of US flag carrier for the transportation to his new duty station.

b. Petitioner will be entitled to reimbursement of the cost for the travel from Quantico, VA to Stuttgart, Germany in the amount of \$2,589.70, (not to exceed what the cost would have been to the US Government on a U.S. flag carrier).

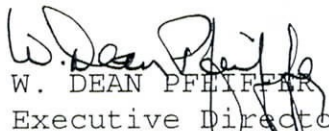
c. A copy of this Report of Proceedings will be filed in Petitioner's naval record.

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


WILLIAM J. HESS, III
Acting Recorder

5. The foregoing action of the Board is submitted for your review and action.


W. DEAN PFEIFFER
Executive Director

Reviewed and Approved

 3/17/11
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