



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

[REDACTED]
Docket No. 3277-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED] USN, XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) The Joint Travel Regulation (JTR) 2022

Encl: (1) DD Form 149 w/attachments
(2) BUPERS Order: 0192, 18 Jan 22
(3) Pre-Move Survey Certification, 28 Mar 22
(4) Bill of Lading, 6 May 22
(5) [REDACTED] Resource Recovery Corporation Receipt, 12 May 22
(6) DD Form 619, Statement of Accessorial Services Performed, 13 May 22
(7) Household Goods Descriptive Inventory, 13 May 22
(8) Certified Automated Truck Scale Receipt, 13 May 22
(9) [REDACTED] Resource Recovery Corporation Receipt, 14 May 22
(10) PPTAS Audit Report, Control Number: N05MZQ-41
(11) NAVSUP Email, 4 Apr 23
(12) Vice President, Agent & Business Services Email, 11 Apr 23
(13) Advisory Opinion by Naval Supply Systems Command, 26 Jul 23
(14) Petitioner's Memorandum, 21 Aug 23

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to show a waiver¹ \$14,715.20 due to exceeding weight limit by 11,035 pounds for his move from [REDACTED] to [REDACTED].

2. A three-member panel of the Board, sitting in executive session, considered Petitioner's application on 29 August 2023. The names and votes of the panel members will be furnished upon request. Petitioner allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of enclosures (1) through (14), relevant portions of Petitioner's naval records, and applicable statutes, regulations and policies.

¹ This Board cannot waive debt. Petitioner must complete a DD Form 2789, Remission of Indebtedness Application, to the Chief of Naval Personnel (N130C) Military Pay and Compensation, as they are the avenue for forgiveness of debt.

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3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. On 18 January 2022, Petitioner was issued official change duty orders (BUPERS order: 0192) while stationed at [REDACTED], [REDACTED] with an effective date of departure of June 2022. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of July 2022. Enclosure (2).

b. On 28 March 2022, [REDACTED] issued Petitioner a Pre-Move Survey Certification with an estimated weight of 17,000 pounds and 500 pounds for PROGEAR. Petitioner did not sign confirmation of completed pre-move survey. Enclosure (3).

c. On 6 May [REDACTED], [REDACTED] issued a Bill of Lading with a packing date of 10 May [REDACTED], pickup date of 13 May [REDACTED], and delivery date of 3 June [REDACTED] with a NET of 27,320 pounds. Date of receipt of shipment was 16 May [REDACTED] certified by agent/driver. Enclosure (4).

d. On 12 May [REDACTED], [REDACTED] Resource Recovery Corporation receipt was issued at [REDACTED] with a weight of 16,860 pounds. Enclosure (5).

e. On 13 May [REDACTED], Petitioner certified DD Form 619, Statement of Accessorial Services Performed listed bulky article and crate marble table top. Subsequently, Petitioner certified Household Goods (HHG) Descriptive Inventory (14 pages) and HHG Descriptive Inventory (4 pages). Enclosures (6) and (7).

f. On 13 May [REDACTED], Certified Automated Truck Scale receipt was issued at [REDACTED], [REDACTED] with gross weight of 64,700 pounds. Enclosure (8).

g. On 14 May 2022, [REDACTED] receipt was issued at [REDACTED] with a weight of 23,080 pounds. Enclosure (9).

h. Personal Property Transportation Auditing System (PPTAS) audit report Control Number: [REDACTED] listed: Max Authorized Weight: 14,500 pounds, Total Moved Net Weight: 24,432 pounds, and Excess Weight: 9,932 pounds. Noting: GBL-dHHG-1 Price Per LB: \$1.3335026. Total Entitlement is over Maximum Authorized Weight. This transaction consumed 9,932 pounds of the excess weight. This transaction has a lower price per pound than any transactions that might be listed below, and this lower price per pound is used to determine the Amount Due from member. This is most advantageous for the Member. Result of Current Audit Collection \$14,715.20. Enclosure (10).

i. On 4 April 2023, [REDACTED] notified Petitioner that their records show that Petitioner's 2022 move from [REDACTED] to [REDACTED] exceeded his authorized weight allowance of 14,500 pounds authorized by Paragraph 051306.A of the Joint

Travel Regulations. Petitioner exceeded his entitlement by 11,035 pounds resulting in an excess cost of \$14,715.20. Enclosure (11).

j. On 11 April 2023, the Vice President, Agent & Business Services notified Petitioner that her agency asked the agent who packed and hauled the shipment to review and advise why there was such a large discrepancy between the pre-move and weight tickets, and that upon closer inspection of the paperwork, there was a calculation error made on the Table of Measurements leading to the data entry error in Defense Personal Property System (DPS) of the pre-move survey weight. Additionally, she stated that her agency received the origin weights and a reweigh confirming the shipment at 27,200 pounds. Enclosure (12).

k. On 26 July 2023, Petitioner's application and records were reviewed by Naval Supply Systems Command, who provided an advisory opinion (AO) for the Board's consideration. The AO concluded that Petitioner exceeded his authorized weight for his 2022 HHG move from [REDACTED] to [REDACTED] and that the transportation service provider submitted proper weight tickets, conducted a reweigh, and billed at the lower weight. Per reference (b),² paragraph 051306, Petitioner is financially responsible for the excess charges of \$14,715.20 for his 2022 HHG move. The AO closed by recommending that the Board disapprove Petitioner's request. Enclosure (13).

l. By Memorandum dated 21 August [REDACTED], Petitioner provided a response to the aforementioned AO. In this response, he contends that "the pre-move survey certification and table of measurements, both illustrate the pre-move inspector's gross negligence in estimating house hold goods weight. Both documents list an estimated weight of 17,000 pounds. This estimate was in errors by a factor of 62.5 percent. Weight of the shipment per National Moving was 27,200 pounds compared to the 17,000 pound estimate. An estimated error by a factor of 62.5 percent is not a small miscalculation, nor a slight oversight. My spouse and I relied on the pre-move inspection and the inspector's assurance that their estimate was accurate in order to make decisions with regards to our house hold goods. Had we been provided a true estimate of weight we would have donated or otherwise liquidated well over half of our house hold goods." Petitioner closed by stating he should not be held liable for the excess charges of \$14,715.20 due to gross negligence. Enclosure (14).

² Reference (b), the Government may pay the total transportation cost and other applicable charges for any weight that exceeds the weight allowance. The Government must collect the excess costs from the Service member. A Service member must repay the Service for the cost of transporting his or her HHG in excess of the specified weight allowance, unless there is specific authorization for an increased weight allowance, limited to 18,000 pounds. All transportation costs are included in determining excess costs, such as storage, accessorial services, and any other costs that the Government paid to move the HHG. When it is known or suspected that a Service member will exceed the maximum weight allowance before transportation, the Transportation Officer should notify the Service member and the office paying for the transportation. The Service member is financially responsible for the excess weight charges even if the Transportation Officer did not notify the Service member or the AO providing transportation funds of the known or suspected excess weight status before transportation ([REDACTED], October 5, [REDACTED]). Additionally, Table 5-37 PCS and NTS weight Allowances (Pounds). O-3 with dependents authorized 14,500 pounds. (Note: Petitioner was advanced to LCDR/O-4 on 1 September 2022 after HHG move.)

CONCLUSION

Upon careful review and consideration of all the evidence of record, the Board found an injustice warranting partial relief.

While the Board acknowledged the AO's position, the Board agreed in part with Petitioner's assertions that the Pre-Move Survey Certification, enclosure (3), lists an estimated weight of 17,000 pounds and he should not be liable for excess weight charges. The Board noted that the large discrepancy was based on a calculation error made on the Table of Measurements leading to the data entry error in DPS of the pre-move survey weight estimate, which the Petitioner was unaware. However, the Board also noted that Petitioner should have been aware that the estimated 17,000 pounds still exceeded his weight allowance of 14,500 pounds, yet he agreed to move the overweight HHG. Therefore, the Board concluded that Petitioner should not be responsible for such a large error that exceeds 17,000 pounds, and should only be responsible for the cost difference between 14,500 pounds and 17,000 pounds.

RECOMMENDATION

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

Petitioner billed weight was based on "17,000 pounds" vice "27,200 pounds."

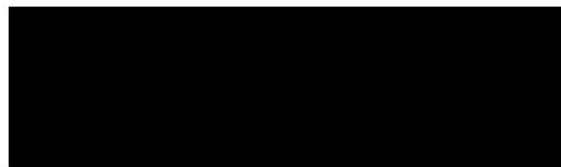
That no further changes be made to Petitioner's naval record.

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

4. It is certified that a 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.

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

9/5/2023



Executive Director