

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
[REDACTED]

date of arrival of 3 October 2022. Petitioner's intermediate (04) activity was [REDACTED] for temporary duty with an effective date of arrival of 1 November 2022. Petitioner's intermediate (05) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 3 December 2022. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 23 July 2022 with a Projected Rotation Date of January 2025. Member advised: if these permanent change of station (PCS) orders are to a temporary duty travel (TDY) location at or near, but outside the limits of, the old or new permanent duty station (PDS) refer to JTR CH 5 article 051203 and OPNAVINST 4650.17 (Unusually Arduous Sea Duty) and amendments for per diem/lodging reimbursement.

c. On 17 June 2022, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 18 June 2022 for temporary duty.

d. On 18 July 2022, Travel Voucher (Voucher No. A923662) was issued and paid on 18 July 2022 for the period of 21 June 2022 to 31 July 2022. Total Entitlements: \$0.00. Amount paid to traveler: \$7,662.40. Remarks: "blank"

e. On 10 August 2022, Travel Voucher (Voucher No. A946782) was issued and paid on 10 August 2022 for the period of 1 August 2022 to 31 August 2022. Total Entitlements: \$0.00. Amount paid to traveler: \$4,013.60. Remarks: "ADVANCED TOY 8/1-6/31 CO 109 CM."

f. On 6 September 2022, Travel Voucher (Voucher No. A971828) was issued and paid on 6 September 2022 for the period of 1 September 2022 to 28 September 2022. Total Entitlements: \$0.00. Amount paid to traveler: \$3,762.40. Remarks: "TOY LDP CQ CM \$170 09/01 TO 0920."

g. On 27 September 2022, Navy Lodge [REDACTED] issued Petitioner a Reservation Confirmation for the period of 28 September 2022 to 15 December 2022.

h. On 28 September 2022, Towneplace Suites by Marriott issued Petitioner a receipt for the period of 28 September 2022 to 1 October 2022.

i. On 28 September 2022, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 29 September 2022 for temporary duty.

j. On 21 November 2022, [REDACTED] issued Petitioner a receipt for the period of 1 October 2022 to 15 December 2022.

k. On 15 December 2022, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 4 January 2023 for duty.

l. On 5 January 2023, Petitioner signed a Travel Voucher or Sub-voucher (DD Form 1351-2) showing the following itinerary: On 17 June 2023, Petitioner departed from [REDACTED] and arrived to [REDACTED] on 18 June 2023. On 28 September 2023, Petitioner departed from [REDACTED] and arrived to [REDACTED]

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
[REDACTED]

[REDACTED] on 28 September 2023. On 15 December 2023, Petitioner departed from [REDACTED] and arrived to [REDACTED] on 15 December 2023. On 4 January 2023, Petitioner departed from [REDACTED] and arrived to [REDACTED] on 4 January 2023.

m. On 10 February 2023, Travel Voucher (Voucher No. B115313) was issued and paid on 10 February 2023 for the period of 18 June 2022 to 28 September 2022. Total Entitlements: \$0.00. Amount paid to traveler: \$4,541.39. Remarks: "As per orders and JTR 051203 NO TDY per diem is authorized in the vicinity of new PDS. 10 days can be paid as TLE however need a properly complete TLE form, per orders RPT net date is 6/19 no TDY per diem authorized before this date without justification /documentation. CNA is dated for 6/20 can only pay GMR on 6/19."

n. On 24 May 2023, Commanding Officer, Surface Combat Systems [REDACTED] notified BCNR that "In accordance with the JTR, this letter is to substantiate an administrative error that occurred during the execution of BUPERS orders 1442, PCS (I) Stop ICO [REDACTED]. While reporting to [REDACTED], 28 September 2022, [REDACTED] Student Admin Office failed to identify that the member erroneously obtained off base living quarters without per diem entitlement due to reporting to a TDY location near members New [PDS] [REDACTED] Member accrued a debt balance in the amount of \$7,676.88 for the lodging period of 28 September to 15 December 2022 at the [REDACTED] while under instruction."

o. On 10 October 2023, Petitioner notified BCNR that, "I want to thank the Board for Correction of Naval Records for allowing me to submit a statement regarding my transfer from [REDACTED]. During my PCS, I encountered an error in my per diem and lodging reimbursement while attending Micro-Miniature Repair (2M) "C" school. On 28 September 2022, I reported to Naval Station [REDACTED] and was directed to stay in a hotel. During my PCS from [REDACTED] and reporting to Mayport, my Leading Petty Officer (LPO) reviewed my orders and contacted the [REDACTED] schoolhouse to confirm I was authorized per diem. During the conversation, my LPO made it known to 2M "C" school, my ultimate duty station being the same geographical location. Afterwards, my LPO spoke with [REDACTED] at the [REDACTED] schoolhouse, who advised that per diem was authorized due to an ACC code 341 being on my orders. I received a Certificate of Non-Availability from the Navy Lodge before finding a hotel off-base. Upon reporting to the "C" school, I reiterated to the schoolhouse administration department my ultimate duty station was [REDACTED]. However, it was never brought to my attention I should stay in the barracks. I had the understanding since ACC code 341 were written into my official orders, I was doing the right thing. [REDACTED] advised me it might be easier to pay for the duration of my stay at the hotel and to file it all under one travel claim. I was also advised by the same individual this solution would also be easier rather than requesting incremental payments throughout my duration if I had the funds to do so. As a new Sailor in the Navy, I was not issued a government travel card to cover the expenses. In doing so, I accrued a large debt to my personal credit card in the amount of \$7,676.88. I am hoping to be reimbursed.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
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The Navy is not a "No Defect" organization. Personnel at all levels make wrong decisions are held accountable for their actions. In this case I professionally believe, leaders in the 2M School failed to guide me in the right direction resulting in administrative errors and indebtedness. I plead for your objectivity as you review my case."

p. In the advisory opinion, 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 requires Travel Processing Center, Memphis requires approval from the Board or OPNAV 130 before it can process a supplemental travel claim.

q. On 19 March 2024, Unaccompanied Housing [REDACTED] notified BCNR that, [REDACTED] checked into Unaccompanied Housing at [REDACTED] 4 January 2023 and resided in room 2144B. He changed rooms 4 May 2023 and resided in [REDACTED] until 26 September 2023 where he changed rooms again and resided in [REDACTED]. He is still checked into [REDACTED] now."

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. The Board agreed that BUPERS Orders 1442 advised Petitioner to refer to the JTR and implied no per diem would be paid in his situation, however BUPERS Orders 1442 did not advise what he should do in his case. In accordance with reference (b), no per diem is authorized if the Service member commutes to the TDY location from the permanent quarters he intends to occupy at the new PDS. New PDS quarters become permanent quarters on or after the date the PCS household goods weight allowance shipment is accepted. The Board interpreted this paragraph of the JTR to mean that Petitioner is not prevented from receiving per diem while in a TEMDU status enroute to the new PDS, even though it was in the vicinity of the new PDS. Petitioner did not commute to the TDY location from the permanent quarters he intended to occupy at the new PDS. No permanent quarters were assigned until after departing TEMDU location and arrival to PDS on 4 January 2023.

RECOMMENDATION

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

Petitioner was issued official change duty orders [REDACTED] on 24 May 2022, while stationed in [REDACTED] with an effective date of departure of June 2022. Furthermore, no "ultimate activity" was listed.

Petitioner was issued official modification to change duty orders (BUPERS order: 1442) on 15 December 2022. Furthermore, Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 5 January 2023.

Note: Petitioner will submit a supplemental travel claim with all required documents to include a copy of this letter through appropriate administrative channels for reimbursement. Settlement of claim is chargeable to the line of accounting on the Petitioner's BUPERS order: 1442.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
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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. 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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

4/7/2024

