



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

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Docket No. 10019-23
Ref: Signature Date

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Dear █,

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 21 March 2024. The names and votes of the members of the panel will be furnished upon request. 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, relevant portions of your naval record and applicable statutes, regulations, and policies. In addition, the Board considered the advisory opinion contained in Commander, Naval Supply Systems Command letter 5420 Ser SUP 04/008 of 1 February 2024.

In accordance with The Joint Travel Regulations (JTR), storage in transit (SIT) is included as part of household goods (HHG) transportation unless specifically prohibited. Non-temporary storage (NTS) may be authorized or approved as an alternative to HHG transportation for any or all of a Service member's HHG when storage is in the Government's best interest.

NTS may be authorized or approved by the official designated by the Service concerned in facilities determined to provide the best value to the Government. NTS includes necessary packing, crating, unpacking, uncrating, transportation to and from the storage locations, storage, and other directly related services necessary to place the HHG in the designated storage facility. NTS must be in a storage facility near the location of the HHG on the date the Service member's permanent change of station (PCS) order is issued. However, the official designated by the Service concerned may select a different storage facility based on the best value to the Government. Once authorized or approved, NTS begins on the date the order is issued and continues as long as that order is in effect.

Each Service may specify circumstances for which NTS is authorized as an alternative to HHG transportation. Otherwise, a Service member is authorized NTS as an alternative to HHG transportation only if authorized or approved through the Secretarial Process.

On 16 August 2021, you were issued official change duty orders (BUPERS order: 2281) while stationed in ██████████ with an effective date of departure of January 2022. Your intermediate (01) activity was ██████████ ██████████ for temporary duty under instruction in a flying status not involving flying with an effective date of arrival of 7 February 2022. Your intermediate (02) activity was ██████████ ██████████ for temporary duty under instruction in a flying status not involving flying with an effective date of arrival of 28 February 2022. Your intermediate (03) activity was ██████████ for temporary duty under instruction in a flying status not involving flying with an effective date of arrival of 15 March 2022. Your intermediate (04) activity was ██████████ for temporary duty under instruction in a flying status not involving flying with an effective date of arrival of 22 March 2022. Your ultimate activity was ██████████ for duty with an effective date of arrival of May 2022 with a projected rotation date (PRD) of May 2025.

On 17 January 2022, you transferred from ██████████, and arrived to ██████████ on 7 February 2022 for temporary duty.

On 20 January 2022, ██████████ scales receipt was issued at ██████████ with a tare weight of 10,720 lbs.

On 25 January 2022, you were issued official modification to change duty orders (BUPERS order: 2281) while stationed in ██████████ with an effective date of departure of January 2022. Your intermediate (01) activity was ██████████ ██████████ for temporary duty under instruction in a flying status not involving flying with an effective date of arrival of 7 February 2022. Your intermediate (02) activity was ██████████ ██████████ for temporary duty under instruction in a flying status not involving flying with an effective date of arrival of 28 February 2022. Your intermediate (03) activity was ██████████ for temporary duty under instruction in a flying status not involving flying with an effective date of arrival of 22 March 2022. Your ultimate activity was ██████████ for duty with an effective date of arrival of May 2022 with a PRD of May 2025.

On 25 January 2022, ██████████ scales receipt was issued at ██████████ with a gross weight of 13,520 lbs.

On 27 January 2022, you signed an Application for Personally Procured Move and Counseling Checklist (DD Form 2278) listing a move from ██████████ to ██████████ with a maximum authorized weight of 17,000 lbs. and Estimated Government Constructive Cost of \$1,746.90. It was certified by a counselor.

On 28 January 2022, you notified ██████████ (USA) that, “[w]e spoke a while ago regarding my plan to put a portion of my personal property in NTS at origin. If you remember, I was going to use my enclosed cargo trailer to move the personal property from the house to my storage site. The storage site is on base ██████████. Aside from the usual personally procured move (PPM) paperwork, I was told to provide a contract/lease from the storage facility. My PPM counselor, ██████████ Cc'd, was tracking this requirement until recently when a ██████████ (a Transportation Assistant/QA Inspector at ██████████) stepped in and said I was NOT authorized to conduct my NTS PPM as planned. I have attached the contract for storage. I

have also attached my weight tickets so you can see the actual weight of my personal property (approx. 2800 lbs.). I don't know what to do now since I was told the NTS PPM as planned would work and now I'm being told that I will NOT be reimbursed for this move. By the way, I was told this yesterday, when my planned move date for this NTS PPM is TODAY.”

On 31 January 2022, ██████████ notified you that, “The total cost for storage 2800 lbs. Handle in Rate: $\$4.00 \times 2800 \times 4 / 100 = \112.00 Drayage: $\$25.00 \times 2800 \times 25 / 100 = \700.00 . Packing: $\$13.00 \times 2800 \times 13 / 100 = \364.00 . Monthly Storage: $\$5.00 \times 2800 \times 5 / 100 \times 12 = \$1,680$ each year $\times 3 = \$5,040$ each year. Total: $\$6,216$ for three years. 25 miles from origin location. No upfront payment for storage.”

On 31 January 2022, ██████████ notified you that, “[i]n order for your NTS PPM storage to be covered, it needs to be in a public storage facility where it has access to the public. The RV storage on base does not have public access and there for will not be covered. You will need to put your RV in a Public Storage facility.”

On 2 February 2022, ██████████ Self Storage issued you a rental agreement with a rental rate per month of \$105.00. Furthermore, you paid \$83.83 thru 28 February 2022.

On 7 February 2022, you were issued official modification to change duty orders (BUPERS order: 2281) while stationed in ██████████ with an effective date of departure of January 2022. Your intermediate (01) activity was ██████████ for temporary duty under instruction in a flying status not involving flying with an effective date of arrival of 7 February 2022. Your intermediate (02) activity was ██████████ for temporary duty under instruction in a flying status not involving flying with an effective date of arrival of 28 February 2022. Your intermediate (03) activity was ██████████ for temporary duty under instruction in a flying status not involving flying with an effective date of arrival of 12 March 2022. Your intermediate (04) activity was ██████████ for temporary duty under instruction in a flying status not involving flying with an effective date of arrival of 22 March 2022. Your ultimate activity was ██████████ for duty with an effective date of arrival of May 2022 with a PRD of May 2025.

On 18 February 2022, you transferred from ██████████, and arrived to ██████████ on 27 February 2022 for temporary duty.

On 1 March 2022, ██████████ Self-Storage issued a receipt showing you paid \$94.50 thru 31 March 2022.

On 10 March 2022, you transferred from ██████████, and arrived to ██████████ on 12 March 2022 for temporary duty. On 20 March 2022, you transferred from ██████████ and arrived to ██████████ on 21 March 2022 for temporary duty. On 23 March 2022, you transferred from ██████████, and arrived to ██████████ on 1 April 2022 for duty.

Beginning 1 April 2022, ██████████ Self-Storage issued receipts showing you paid \$94.50 per month through the months of April, May, and June 2022. You paid \$114.50 through July 2022. You paid \$94.50 per month through the months of August, September, October, and November 2022. You paid \$101.70 per month through the months of December 2022-31 July 2023.

On 14 November 2023, you notified █ that, "I believe I received payment of \$1,492.75 for my NTS PPM Claim. This is well below what I expected, so I am wondering if I missed the proper supporting documentation. I am not tracking any requests for more information, and I am concerned I may have missed an email or phone call from your office. I was expecting something closer to \$2951.93, based on \$1,176 (handling in, drayage, packing) and \$1775.93 (weight ticket and monthly storage for Feb 2022 to Jul 2023)."

On 15 November 2023, █ notified you that, "I received your email regarding your questions concerning the NTS Claim Payment. I have reviewed the claim again and the amount is correct. The Personal Property office did not list a storage rate, but we were able to compute it. The most that the government will pay monthly for NTS is \$49.00 a month. The rates were calculated based on the rate calculated at the time you put items in storage. I had our QA also review my findings and they are correct. Unfortunately, NTS rates are typically lower than what members pay out of pocket. I do apologize but the audit and payments are correct. The payments will continue at \$49.00 a month for the remainder of the storage when receipts are submitted."

On 15 November 2023, you notified █ that, "I want to first thank you for looking into this for me, and I understand the \$49/month which caps the claim. I now believe I was given bad information from my origin Personal Property Counselor. I have provided the email chain below to show the monthly storage formula and cost that was provided to me by the counselor. As you can see, I was told I was entitled to \$1,680 per year, or \$140/month. I based my entire move/storage plans around this information. Are you able to explain the difference in the formula my counselor used versus the one you are using? Is there an exception to policy when a counselor provides inaccurate information causing a financial burden on the member?"

On 28 November 2023, HHG Audit Division (Code 400), █ notified you that, "I work as QA for the HHG Audit department. Today, my colleague █ and I reviewed your record and contacted the PPSO in █. I personally spoke to the director to confirm the rates mentioned below and where they were sourced from. Unfortunately, the PPSO in █ informed us that the rates were provided in error and are not correct. I'm sorry for any inconvenience this may have caused you and would like to offer you the appeal process with the Board of Corrections of Naval Records. If they rule in your favor, our office will conduct a re-audit. However, at this time, our office does not have the authority to use the higher rate".

You requested to receive the entire of amount of your NTS PPM Claim #N02HP6 of approximately \$2,951.93 vice the \$1,492.75 which you have received. Additionally, you requested to receive reimbursement for future claims, up to the remainder of your orders, based on the storage rates provided to you by the Personal Property Counselor at the time of your move, the Board in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. In accordance with the JTR, NTS may be authorized or approved by the official designated by the Service concerned in facilities determined to provide the best value to the Government. A Service member is authorized NTS as an alternative to HHG transportation only if authorized or approved through the Secretarial Process. The Board concluded that although it does appear that you were given erroneous information by the Personal Property Counselor, you were notified by █ on 15 November 2023 that the most the government would pay for storage was \$49.00 per month for the remainder of the storage when receipts are submitted. The Board determined that in accordance with the JTR, the Government's obligation is clearly limited to the Best Value cost. The Board does not have the authority to direct payment in excess of

what the JTR authorizes; therefore, the Board concluded that a change to your record is not warranted.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

4/5/2024

