



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

██████████
Docket No. 10312-23
Ref: Signature Date

████████████████████
████████████████████
████████████████████

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 16 May 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 04/009 of 1 February 2024, which was previously provided to you for comment.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

On 27 July 2022, you were issued official Fleet Reserve orders (BUPERS order: ██████████) while stationed in ████████████████████, ██████████, ██████████ with an effective date of departure of September 2022. Petitioner's home of selection: HOS: Deferred with an effective date of retirement of 30 September 2022.

On 24 April 2023, a Bill of Lading – Privately Owned Personal Property was issued. Issuing office was ██████████, ██████████. Transportation Company was ██████████. (████████████████████). Requested packing date was 26 April 2023. Requested pickup date was 28 April 2023. Requested delivery date was 15 May 2023. The net weight listed was

23,100 lbs. Includes professional books, papers and equipment weighing 2,500 lbs. Total charges were \$20,586.17.

On 25 April 2023, Certified Automated Truck (CAT) Scale Company issued Petitioner a receipt at ██████████, ██████████ with a gross weight of 43,860 lbs.

On 27 April 2023, you signed a Statement of Accessorial Services Performed (DD Form 619) with the following remarks: Full pack, Pro Gear 2,500 lbs., Kayak 14 Bulky, Extra Pick up and storage, and Shuttle verification attached. Reweigh 66,980 lbs., 43,820 lbs., and 23,160 lbs.

On 28 April 2023, CAT Scale Company issued Petitioner a receipt at ██████████, ██████████ with a gross weight of 66,960 lbs. On 30 April 2023, CAT Scale Company issued Petitioner a receipt at ██████████, ██████████ with a gross weight of 66,980 lbs. On 30 April 2023, CAT Scale Company issued Petitioner a receipt at ██████████, ██████████ with a gross weight of 43,820 lbs.

On 16 May 2024, Personal Property Transportation Audit System listed the following audit results; (i.e., calculate government obligation GBL-d Household Goods (HHG)-1 Invoice \$20,897.92, government obligation \$20,897.92, GMO amount -\$16,643.59, amount over GMO \$4,254.33, calculate entitlement result GBL-dHHG-1 excess weight -\$4,553.21, entitlement result -\$4,553.21, calculate amount due entitlement result -\$4,553.21, GMO excess -\$4,254.33, amount due \$8,807.54, calculate taxable income entitlement result -\$4,553.21, taxable income \$0.00, federal tax rate X 25%, estimated taxes withheld \$0.00, calculate member payment amount due -\$8,807.54, tax withheld -\$0.00, member payment -\$8,807.54, result of current audit collection \$4,254.33 (Result Manually Overridden).

You requested removal of debt in the amount of \$4,254.33 for your post-retirement HHG move, the Board in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that you were not told prior to the move that you would be overweight, therefore you had no chance to adjust the weight. The Board concluded that in accordance with the Joint Travel Regulations (JTR),¹ you are financially responsible for the excess weight charges even if the Transportation Officer did not notify you or the Authorizing/Order-Issuing Official (AO) providing transportation funds of the known or suspected excess weight status before transportation. Furthermore, the Transportation Service Provider submitted proper weight tickets, conducted a reweigh, and billed at the lower weight. The inventory sheets substantiate the weight billed. Therefore, no change to your record is warranted. You may complete a DD Form 2789, Remission of Indebtedness Application, and submit it to the Chief of Naval Personnel (N130C) if this debt creates a financial hardship for

¹ In accordance with the JTR, 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 (CBCA 2076-RELO, October 5, 2010).

you. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

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,

5/26/2024

