

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

> Docket No. 10668-23 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 6 August 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, Navy Reserve Forces Command letter 5420 Ser N3/401 of 25 June 2024, which was previously provided to you for comment.

In accordance with the Joint Travel Regulations, "[t]he applicable per diem rate for reimbursement of subsistence expenses incurred during official CONUS [Continental United States] travel. Use the M&IE [Meals and Incidental Expense] rate for the locality concerned.

Government Meal Rate (GMR). The standard GMR paid for meals in a Gov't dining facility/mess plus \$5 IE is paid. This rate applies each day that: Adequate Gov't Qtrs are available on the U.S. Installation, to which the member is assigned TDY [Temporary Duty]. The GMR is directed, The Gov't dining facility/mess is available for all three meals on the U.S. Installation to which the member is assigned TDY, and The member is not traveling."

In accordance with Defense Travel Management Office, Fiscal Year 2015, State of Effective 1 October 2014, Maximum Per Diem for sectors is \$213. This includes \$142 Maximum Lodging, \$66 Local Meals, \$40 Proportional Meals, and \$5 Incidentals.

On 5 March 2015, you submitted a request and authorization for TDY (Temporary Duty) travel of DoD Personnel (DD Form 1610) effective 1 June 2015 for 122 days for training attendance with an itinerary from the second sec

On 5 March 2015, you were issued Ordered to ADT-SPEC (NROWS/3805677/0 – SDN: N8317415SP06073) Commanding Officer, ordered you to report for active duty for training ADT special to the Commanding Officer,

no later than 0700 on 02 Jun 2015 for duty with medical, UIC: period of duty: 01 Jun 2015 to 30 Sep 2015 for 122 days. You were a member of reserve UIC: Furthermore, "[u]se of Government Mess Facilities is directed at (01 June 2015 thru 30 September 2015), if available."

Navy Gateway issued you a statement with an arrival date of 1 June 2015 and departure date of 21 June 2015 at the rate of \$55.00. Navy Lodge issued you a statement with an arrival date of 21 June 2015 and departure date of 28 June 2015 at the rate of \$96.00.

On 1 July 2015, Travel Voucher (DO Voucher No. T9509564) was prepared and paid on 2 July 2015 for the TDY period of 1 June 2015 to 30 September 2015. Total Entitlements \$8517.27, Govt Charge Card Payment \$6881.32, and Amount Paid to Traveler \$1635.95.

On 31 July 2015, Travel Voucher (DO Voucher No. T5084707) was prepared and paid on 3 August 2015 for the TDY period of 1 June 2015 to 30 September 2015. Total Entitlements \$4792.50, Govt Charge Card Payment \$3195.00, and Amount Paid to Traveler \$1597.50.

On 30 August 2015, Travel Voucher (DO Voucher No. T5463915) was prepared and paid on 1 September 2015 for the TDY period of 1 June 2015 to 30 September 2015. Total Entitlements \$4792.50, Govt Charge Card Payment \$3195.00, and Amount Paid to Traveler \$1597.50.

On 29 September 2015, Travel Voucher (DO Voucher No. T5870924) was prepared and paid on 30 September 2015 for the TDY period of 1 June 2015 to 30 September 2015. Total Entitlements \$4792.50, Govt Charge Card Payment \$3195.00, and Amount Paid to Traveler \$1597.50.

Navy Gateway issued you a statement with an arrival date of 28 June 2015 and departure date of 30 September 2015 at the rate of \$55.00.

On 3 October 2015, Travel Voucher (DO Voucher No. T8031655) was prepared and paid on 6 October 2015 for the TDY period of 1 June 2015 to 30 September 2015. Total Entitlements \$.00, Govt Charge Card Payment \$.00, and Amount Paid to Traveler \$.00.

On 7 August 2019, you were honorably discharged from the U.S. Naval Reserve.

On 18 November 2021 (billing date), Defense Finance and Accounting Service (DFAS) informed you that you have a total balance due \$11,135.16.

On 11 April 2024, DFAS notified the Board that, "[you] has a debt in our DDMS system that was originally for \$11,096.99 plus interest/penalties/admin fees of \$47.76. The member has paid \$2,026.51 towards the debt bringing their debt balance to the current amount of \$9,118.24 which was referred to the Treasury for collection. The member may owe more than the \$9,118.24 as the Treasury may charge additional fees. There is no debt documentation as the debt interfaced to our DDMS system. The member's debt is stated as due to overpayment of travel entitlements or non-settlement of a travel advance that the member received per DTS [Defense Travel System] transaction #102PLN010, dated 10/03/2015."

You requested to correct the repayment action for debt incurred while on ADT-SPEC Orders: NROWS/3805677/0 – SDN: N8317415SP06073 and forward to the Treasury Department for reimbursement of garnished wages and remission of the balance of the debt. The Board in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that the repayment action is incorrect because you served under ADT-SPEC Orders: NROWS/3805677/0 - SDN: N8317415SP06073, and that all payments associated with these orders were authorized. However, the Board concluded that you set up split payments in DTS in connection with these orders. You based the payments on an expected cost of \$106.50 per day for lodging and \$53.25 per day for M&IE and the government paid you accordingly. However, when you submitted your documentation for your travel settlement, you were reimbursed the Government Meal Rate of \$18.85 for the period of 2 June 2015 to 29 September 2015. Additionally, you were charged only \$55 per day for lodging periods at the NGIS and \$96 per day for lodging at the . You were not paid for the period of 18 August 2015 to 10 September 2015 because you did not provide receipts. The Board determined that the total amount paid while on ADT orders totaled \$22,894.77. Due to your lodging costs well below the daily rate of \$106.50 that you set up for split payments and the daily GMR directed of \$18.85 vice the 53.25 daily, you were overpaid. The Board determined that the debt to the government is valid and that no change to your record is warranted. 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,