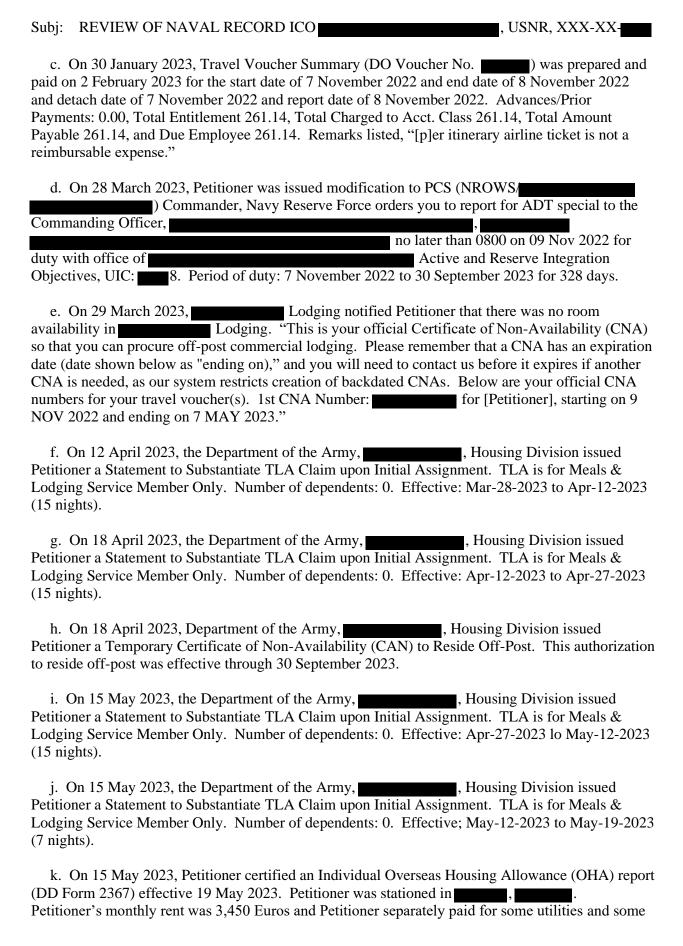


## **DEPARTMENT OF THE NAVY**

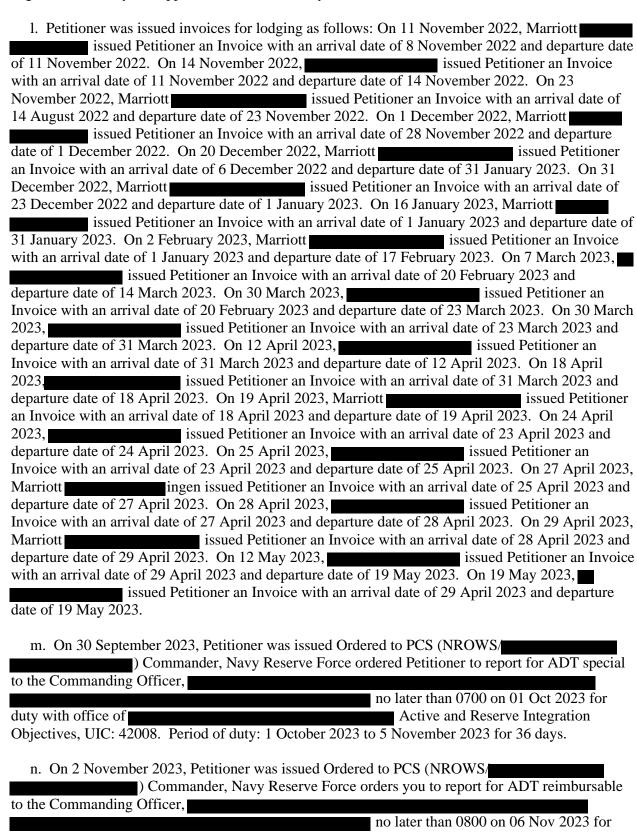
BOARD FOR CORRECTION OF NAVAL RECORDS 701 S. COURTHOUSE ROAD, SUITE 1001 ARLINGTON, VA 22204-2490

> Docket No. 99-24 Ref: Signature Date

From: To:	Chairman, Board for Correction of Naval Records Secretary of the Navy
Subj:	REVIEW OF NAVAL RECORD ICO , USNR, XXX-XX-
Ref:	<ul><li>(a) Title 10 U.S.C. § 1552</li><li>(b) The Joint Travel Regulation (JTR)</li><li>(c) DoD 7000-14R FMR, Volume 7A, Chapter 68</li></ul>
Encl:	<ul><li>(1) DD Form 149 w/attachments</li><li>(2) Advisory Opinion by CNRFC (N3), 4 Mar 24</li><li>(3) Subject's naval record</li></ul>
enclosi record	suant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed are (1) with the Board for Correction of Naval Records (Board), requesting that his naval be corrected to show Petitioner was reimbursed for lodging and per diem from 7 November of 27 March 2023 and Temporary Lodging Allowance (TLA) from 28 March to 19 May 2023.
allegat correct materia	Board, consisting of provided
existin	fore applying to this Board, Petitioner exhausted all administrative remedies available under g law and regulations within the Department of the Navy. The Board, having reviewed all the frecord pertaining to Petitioner's allegations of error and injustice finds as follows:
Reserv Navy I Comm	On 2 November 2022, Petitioner was issued Permanent Chage of Station (PCS) orders (Navy te Order Writing System (NROWS)  Reserve Force orders you to report for Active Duty For Training (ADT) special to the anding Officer,  1, no later than 0800 on 09 Nov 2022 for it h office of
0.70	ith office of Active and Reserve Integration ives, UIC: Period of duty: 7 November 2022 to 31 December 2022 for 55 days.
Comm	On 7 December 2022, Petitioner was issued modification to PCS (NROWS/  Commander, Navy Reserve Force orders you to report for ADT special to the anding Officer,  no later than 0800 on 09 Nov 2022 for
100	ith office of Active and Reserve Integration ives UIC: Period of duty: 7 November 2022 to 31 March 2023 for 145 days



were included in rental/lease agreement with landlord. Furthermore, the request was received by cognizant authority and approved effective 15 May 2023.



Subj: REVIEW OF NAVAL RECORD ICO	, USNR, XXX-XX-		
duty with office of Objectives, UIC: Period of duty: 6 November 20	Active and Reserve Integration 023 to 26 December 2023 for 51 days.		
o. On 4 December 2023, Petitioner was issued Modification to PCS (NROWS/ Commander, Navy Reserve Force orders you to report for ADT reimbursable			
to the Commanding Officer,			
	no later than 0800 on 06 Nov 2023 for		
duty with office of	Active and Reserve Integration		
Objectives, UIC: Period of duty: 6 November 20	023 to 31 December 2023 for 56 days.		

p. On 27 December 2023, MNCC notified Petitioner that, "RPAT requested an ETP for COMNAVRESFOR INSTRUCTION 4650.1 C (Order Processing and Transportation Arrangements for Navy Reserve Sailors) Chapter 1, paragraph 6., to allow the PCS orders to include per diem entitlements."

"As the JTR does not consider 55-day orders or the Mod that including the remaining time and extension and 125 days, to NOT be PCS."

"The JTR allows for per diem to be included in the 7 Nov 22 - 31 Mar 23 ADT orders. N33 views their hands as tied, per the JTR restrictions on modifying travel orders after the fact."

N33 Response: Per the JTR 010206 Paragraph A: "Modifications after Travel. Travel authorizations and orders cannot be retroactively modified to increase or decrease an allowance after the travel is completed." Therefore, there is no way that his order can be modified to create an entitlement he was never authorized (PCS vs Per Diem). As such, there is no ETP applicable for this scenario.

FINAL Decision from CNRFC N3 is that an ETP is not approved to modify the original orders after the fact to allow for per diem vice OHA. The SVM has the option to submit a BCNR."

- q. Petitioner was released from ADT with an honorable character of service and was issued a DD Form 214, Certificate of Release or Discharge from Active Duty for the period of 7 November 2022 to 31 December 2023 upon completion of required active service. Certified by Authorizing Official on 1 February 2024.
- r. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that, [i]t is the opinion of COMNAVRESFORCOM N3 that per the JTR 010206 Paragraph A: Modifications after Travel. Travel authorizations and orders cannot be retroactively modified to increase or decrease an allowance after the travel is completed. Therefore, there is no way that his orders can be modified to authorize an entitlement (in this case, Per Diem) that was never intended."

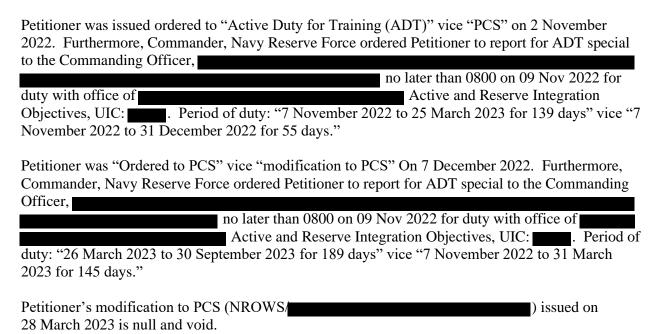
## **CONCLUSION**

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting partial corrective action. The Board concluded that Petitioner's outside the contiguous United States PCS orders were written in a period of fiscal restraints due to several

continuing resolutions. Although the intent was to issue PCS orders, the Board determined that since there were funding issues, ADT orders should not have been issued until the funding issues were resolved or no orders should have been issued. Because the orders were written as PCS vice ADT, Petitioner received no per diem and rated no OHA due to the short length of the orders, which unjustly placed Petitioner in a financial hardship. Therefore, the Board determined that NROWS issued on 2 November 2022 will be modified to reflect ADT for the period of 7 November 2022 to 25 March 2023. The Board disagreed with Petitioner's request to receive lodging and per diem until 27 March 2023 because that would exceed the 139-day rule detailed in reference (b). NROWS issued on 7 December 2022 will be modified to reflect PCS for the period of 26 March 2023 to 30 September 2023. Finally, Petitioner is entitled to TLA once the orders exceed 140 days in accordance with reference (c), however the Board determined that Petitioner is not eligible to receive TLA on 19 May 2023 due to Petitioner's OHA starting on said date.

## RECOMMENDATION

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



Note: As a result of this change, Petitioner is required to resubmit travel claim. Furthermore, that any other entries affected by the Board's recommendation be corrected.

Petitioner submitted a request for reimbursement of TLA for the period of 26 March 2023 to 18 May 2023 (54 nights) and was approved by cognizant authority. Note: Petitioner must submit a request for reimbursement of TLA, receipts, orders, and a copy of this Board of Correction of Naval Records decision letter to the Defense Finance and Accounting Service (DFAS). The DFAS will complete an audit of Petitioner's records to determine amounts due, if any.

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

That a copy of this report of proceedings 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 titled 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.

