



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: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO ██████████, USNR, XXX-XX-██████████

Ref: (a) Title 10 U.S.C. § 1552
(b) The Joint Travel Regulation (JTR)
(c) DoD 7000-14R FMR, Volume 7A, Chapter 68

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by CNRFC (N3), 4 Mar 24
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to show Petitioner was reimbursed for lodging and per diem from 7 November 2022 to 27 March 2023 and Temporary Lodging Allowance (TLA) from 28 March to 19 May 2023.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 30 July 2024 and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies.

3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. On 2 November 2022, Petitioner was issued Permanent Change of Station (PCS) orders (Navy Reserve Order Writing System (NROWS) ██████████). Commander, Navy Reserve Force orders you to report for Active Duty For Training (ADT) special to the Commanding Officer, ██████████, ██████████ no later than 0800 on 09 Nov 2022 for duty with office of ██████████ Active and Reserve Integration Objectives, UIC: ██████████. Period of duty: 7 November 2022 to 31 December 2022 for 55 days.

b. On 7 December 2022, Petitioner was issued modification to PCS (NROWS/██████████) Commander, Navy Reserve Force orders you to report for ADT special to the Commanding Officer, ██████████, ██████████ no later than 0800 on 09 Nov 2022 for duty with office of ██████████ Active and Reserve Integration Objectives, UIC: ██████████. Period of duty: 7 November 2022 to 31 March 2023 for 145 days.

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c. On 30 January 2023, Travel Voucher Summary (DO Voucher No. [REDACTED]) was prepared and paid on 2 February 2023 for the start date of 7 November 2022 and end date of 8 November 2022 and detach date of 7 November 2022 and report date of 8 November 2022. Advances/Prior Payments: 0.00, Total Entitlement 261.14, Total Charged to Acct. Class 261.14, Total Amount Payable 261.14, and Due Employee 261.14. Remarks listed, “[p]er itinerary airline ticket is not a reimbursable expense.”

d. On 28 March 2023, Petitioner was issued modification to PCS (NROWS/[REDACTED] [REDACTED]) Commander, Navy Reserve Force orders you to report for ADT special to the Commanding Officer, [REDACTED], [REDACTED] no later than 0800 on 09 Nov 2022 for duty with office of [REDACTED] Active and Reserve Integration Objectives, UIC: [REDACTED]8. Period of duty: 7 November 2022 to 30 September 2023 for 328 days.

e. On 29 March 2023, [REDACTED] Lodging notified Petitioner that there was no room availability in [REDACTED] Lodging. “This is your official Certificate of Non-Availability (CNA) so that you can procure off-post commercial lodging. Please remember that a CNA has an expiration date (date shown below as "ending on)," and you will need to contact us before it expires if another CNA is needed, as our system restricts creation of backdated CNAs. Below are your official CNA numbers for your travel voucher(s). 1st CNA Number: [REDACTED] for [Petitioner], starting on 9 NOV 2022 and ending on 7 MAY 2023.”

f. On 12 April 2023, the Department of the Army, [REDACTED], Housing Division issued Petitioner a Statement to Substantiate TLA Claim upon Initial Assignment. TLA is for Meals & Lodging Service Member Only. Number of dependents: 0. Effective: Mar-28-2023 to Apr-12-2023 (15 nights).

g. On 18 April 2023, the Department of the Army, [REDACTED], Housing Division issued Petitioner a Statement to Substantiate TLA Claim upon Initial Assignment. TLA is for Meals & Lodging Service Member Only. Number of dependents: 0. Effective: Apr-12-2023 to Apr-27-2023 (15 nights).

h. On 18 April 2023, Department of the Army, [REDACTED], Housing Division issued Petitioner a Temporary Certificate of Non-Availability (CAN) to Reside Off-Post. This authorization to reside off-post was effective through 30 September 2023.

i. On 15 May 2023, the Department of the Army, [REDACTED], Housing Division issued Petitioner a Statement to Substantiate TLA Claim upon Initial Assignment. TLA is for Meals & Lodging Service Member Only. Number of dependents: 0. Effective: Apr-27-2023 to May-12-2023 (15 nights).

j. On 15 May 2023, the Department of the Army, [REDACTED], Housing Division issued Petitioner a Statement to Substantiate TLA Claim upon Initial Assignment. TLA is for Meals & Lodging Service Member Only. Number of dependents: 0. Effective; May-12-2023 to May-19-2023 (7 nights).

k. On 15 May 2023, Petitioner certified an Individual Overseas Housing Allowance (OHA) report (DD Form 2367) effective 19 May 2023. Petitioner was stationed in [REDACTED], [REDACTED]. Petitioner’s monthly rent was 3,450 Euros and Petitioner separately paid for some utilities and some

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

l. Petitioner was issued invoices for lodging as follows: On 11 November 2022, Marriott [REDACTED] issued Petitioner an Invoice with an arrival date of 8 November 2022 and departure date of 11 November 2022. On 14 November 2022, [REDACTED] issued Petitioner an Invoice with an arrival date of 11 November 2022 and departure date of 14 November 2022. On 23 November 2022, Marriott [REDACTED] issued Petitioner an Invoice with an arrival date of 14 August 2022 and departure date of 23 November 2022. On 1 December 2022, Marriott [REDACTED] issued Petitioner an Invoice with an arrival date of 28 November 2022 and departure date of 1 December 2022. On 20 December 2022, Marriott [REDACTED] issued Petitioner an Invoice with an arrival date of 6 December 2022 and departure date of 31 January 2023. On 31 December 2022, Marriott [REDACTED] issued Petitioner an Invoice with an arrival date of 23 December 2022 and departure date of 1 January 2023. On 16 January 2023, Marriott [REDACTED] issued Petitioner an Invoice with an arrival date of 1 January 2023 and departure date of 31 January 2023. On 2 February 2023, Marriott [REDACTED] issued Petitioner an Invoice with an arrival date of 1 January 2023 and departure date of 17 February 2023. On 7 March 2023, [REDACTED] issued Petitioner an Invoice with an arrival date of 20 February 2023 and departure date of 14 March 2023. On 30 March 2023, [REDACTED] issued Petitioner an Invoice with an arrival date of 20 February 2023 and departure date of 23 March 2023. On 30 March 2023, [REDACTED] issued Petitioner an Invoice with an arrival date of 23 March 2023 and departure date of 31 March 2023. On 12 April 2023, [REDACTED] issued Petitioner an Invoice with an arrival date of 31 March 2023 and departure date of 12 April 2023. On 18 April 2023, [REDACTED] issued Petitioner an Invoice with an arrival date of 31 March 2023 and departure date of 18 April 2023. On 19 April 2023, Marriott [REDACTED] issued Petitioner an Invoice with an arrival date of 18 April 2023 and departure date of 19 April 2023. On 24 April 2023, [REDACTED] issued Petitioner an Invoice with an arrival date of 23 April 2023 and departure date of 24 April 2023. On 25 April 2023, [REDACTED] issued Petitioner an Invoice with an arrival date of 23 April 2023 and departure date of 25 April 2023. On 27 April 2023, Marriott [REDACTED] issued Petitioner an Invoice with an arrival date of 25 April 2023 and departure date of 27 April 2023. On 28 April 2023, [REDACTED] issued Petitioner an Invoice with an arrival date of 27 April 2023 and departure date of 28 April 2023. On 29 April 2023, Marriott [REDACTED] issued Petitioner an Invoice with an arrival date of 28 April 2023 and departure date of 29 April 2023. On 12 May 2023, [REDACTED] issued Petitioner an Invoice with an arrival date of 29 April 2023 and departure date of 19 May 2023. On 19 May 2023, [REDACTED] issued Petitioner an Invoice with an arrival date of 29 April 2023 and departure date of 19 May 2023.

m. On 30 September 2023, Petitioner was issued Ordered to PCS (NROWS/[REDACTED] [REDACTED]) Commander, Navy Reserve Force ordered Petitioner to report for ADT special to the Commanding Officer, [REDACTED] no later than 0700 on 01 Oct 2023 for duty with office of [REDACTED] Active and Reserve Integration Objectives, UIC: 42008. Period of duty: 1 October 2023 to 5 November 2023 for 36 days.

n. On 2 November 2023, Petitioner was issued Ordered to PCS (NROWS/[REDACTED] [REDACTED]) Commander, Navy Reserve Force orders you to report for ADT reimbursable to the Commanding Officer, [REDACTED] no later than 0800 on 06 Nov 2023 for

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duty with office of [REDACTED] Active and Reserve Integration Objectives, UIC: [REDACTED] Period of duty: 6 November 2023 to 26 December 2023 for 51 days.

o. On 4 December 2023, Petitioner was issued Modification to PCS (NROWS, [REDACTED] [REDACTED]) Commander, Navy Reserve Force orders you to report for ADT reimbursable to the Commanding Officer, [REDACTED] [REDACTED] no later than 0800 on 06 Nov 2023 for duty with office of [REDACTED] Active and Reserve Integration Objectives, UIC: [REDACTED]. Period of duty: 6 November 2023 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

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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:

Petitioner was issued ordered to "Active Duty for Training (ADT)" vice "PCS" on 2 November 2022. Furthermore, Commander, Navy Reserve Force ordered Petitioner to report for ADT special to the Commanding Officer, [REDACTED] no later than 0800 on 09 Nov 2022 for duty with office of [REDACTED] Active and Reserve Integration Objectives, UIC: [REDACTED]. Period of duty: "7 November 2022 to 25 March 2023 for 139 days" vice "7 November 2022 to 31 December 2022 for 55 days."

Petitioner was "Ordered to PCS" vice "modification to PCS" On 7 December 2022. Furthermore, Commander, Navy Reserve Force ordered Petitioner to report for ADT special to the Commanding Officer, [REDACTED] no later than 0800 on 09 Nov 2022 for duty with office of [REDACTED] Active and Reserve Integration Objectives, UIC: [REDACTED]. Period of duty: "26 March 2023 to 30 September 2023 for 189 days" vice "7 November 2022 to 31 March 2023 for 145 days."

Petitioner's modification to PCS (NROWS/[REDACTED]) issued on 28 March 2023 is null and void.

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.

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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.

8/8/2024

