



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

█
Docket No. 4208-24
Ref: Signature Date

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█ █,

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 5 September 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 04/067 of 2 July 2024 and your response to the opinion.

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 6 March 2023, you were issued official change duty orders (BUPERS order: █) while stationed in █ with an effective date of departure of July 2023. Your intermediate (01) activity was █ for temporary duty under instruction with an effective date of arrival of 7 August 2023. Your intermediate (02) activity was █ for temporary duty under instruction with an effective date of arrival of 16 September 2023. Your intermediate (03) activity was █ for temporary duty under instruction with an effective date of arrival of 24 September 2023. Your intermediate (04) activity was █ for temporary duty with an effective date of arrival of 2 October 2023. Your ultimate activity was █ for duty with an effective date of arrival of October 2023 with a projected rotation date of October 2026.

On 5 July 2023, you transferred from █ and arrived to █ on 5 August 2023 for temporary duty.

On 15 August 2023, you were issued official modification to your orders (BUPERS order: ██████████ with your ultimate activity as ██████████ for duty. These orders were modified again on 22 August 2023 with your intermediate (03) activity was ██████████ ██████████ for temporary duty under instruction with an effective date of arrival of 24 September 2023.

On 16 September 2023, you transferred from ██████████, and arrived to ██████████ on 17 September 2023 for temporary duty.

On 23 September 2023, you transferred from ██████████, and arrived to ██████████ on 24 September 2023 for temporary duty.

On 30 September 2023, you transferred from ██████████, and arrived to ██████████ on 1 October 2023 for temporary duty.

On 3 October 2023, you transferred from ██████████, and arrived to SSN 757 ██████████ on 10 October 2023 for duty.

██████████. Issued you an Export Certificate with a vehicle registration date of 3 October 2023 and listing export scheduled on 9 April 2024.

On 20 October 2023, ██████████, issued you Pro-Forma Invoice shipping your vehicle from ██████████ with a total purchase of \$5,189.00.

You requested reconsideration of Permanent Change of Station (PCS) Move Entitlements - Shipping a POV from OCONUS to OCONUS based on Joint Travel Regulations (JTR) Paragraph 0530001, Table 5-64, section 1-b (authorized). The Board in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that you provided no documentation to show that you shipped your POV based on erroneous advice from a government representative, therefore you were not authorized reimbursement under JTR Paragraph 0530001, Table 5-64,¹ section 1-b. Furthermore, you stated in your rebuttal to the advisory opinion that, “[t]here are no records of this discussion and no POV would have been authorized for shipment because I did not have a POV while stationed in Japan (previous duty station).” Although the Board understands the unique circumstances of your PCS, there is no change to your record that will allow reimbursement of your personally procured POV shipment, as the Board does not have the authority to grant what the Department of Defense prohibits. In this connection, the Board substantially concurred with the comments contained in the aforementioned advisory opinion.

¹ “Types of Transportation Used for Shipping a POV [Privately Owned Vehicle] OCONUS [Outside the Continental United States] at Government Expense. Rule 1. Authorized: a. Government transportation. b. Personally procured transportation only when the service member has not transported a POV at Government expense on the current PCS order and the POV was shipped based on erroneous advice of a government representative. The reimbursement is limited to what the transportation would have cost had the POV been transported by the Government. c. Commercial transportation. d. Car ferry.

Rule 2. Not authorized: a. Transportation by air. b. Personally procured transportation unless the POV shipment was shipped based on erroneous advice of a government representative designated to provide POV shipment counseling, such as a Transportation Officer.”

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,

9/12/2024

