



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

[REDACTED]
Docket No. 4340-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,
XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) The Joint Travel Regulation (JTR)

Encl: (1) DD Form 149 w/attachments
(2) 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 be reimbursed for an out-of-pocket household goods (HHG) move.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 30 April 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. In accordance with Navy Standard Integrated Personnel System, on 10 August 2022, Petitioner requested regular retirement effective 1 November 2023. Request was denied due to "[t]uition assistance (TA) obligation through 18 August 2024. No early outs authorized in accordance with NAVADMIN 288/17. MLP PERS-835 8 January 2023."

b. On 4 December 2022, [REDACTED] issued Petitioner an Interstate Bill of Lading Contract and Order for Service with a balance due of \$6,800.

c. On 3 March 2023, Commander, [REDACTED] notified Commander, Navy Personnel Command (PERS-835) that "[f]orwarded recommending approval with the following circumstances. [Petitioner] respectfully requests to waive the final nine months of his Active Obligated Service to the term start date of TA funded courses [REDACTED] and [REDACTED], both scheduled for 31 AUG 2022 to 9 DEC 2022. He

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has requested to retire in November 2023, this creates a TA payback of nine months.” “Upon retirement, member has been selected for service with the Naval Junior Reserve Officers Training Corp (NJROTC). NJROTC instructors are considered sea service personnel certified by Navy Service Training Command (NSTC) and employed by school districts hosting NJROTC units. The Senior Naval Science Instructor (SNSI) is the commissioned officer or Warrant Officer (obtaining a bachelor’s degree or greater) employed by the school. I am requesting an exception to TA policy based on the Sailor's continued dedication to service.”

d. On 14 June 2023, Deputy Chief of Naval Personnel (CNP) notified CNP via an Action Memo that “[Petitioner] has a pending retirement request for 1 November 2023, which requires a thirteen-month Education Service Obligation (ESO) Waiver. Education Obligation (EDOB) annotated in comments was calculated prior to completing most recent TA funded courses. New EDOB is 9 December 2024.

[Petitioner’s] command endorsement and justification letter is included.

If approved, there will be a Tuition Assistance balance of \$1,501.75. [Petitioner] is willing to pay back this balance.

NAVADMIN 288/17, Early Separation Policy NAVADMIN Cancellation addresses all early out programs and cancels minimum service requirement waiver programs.

There are no deadlines associated with this package.”

CNP disapproved Petitioner's ESO waiver which was endorsed by [REDACTED] [REDACTED] [REDACTED] 6 July 2023.

e. On 18 December 2023, Petitioner was issued official retirement orders (BUPERS order: 3523) while stationed in [REDACTED] with an effective date of departure of September 2024 from Duty with an effective date of retirement 1 October 2024.

f. On 29 February 2024, NAVSUP Fleet Logistics Center Norfolk notified the Board that, “[p]aragraph 051302 A of the Joint Travel Regulation states that transportation of HHG at government expenses prior to the issuance of permanent change of station orders is not authorized. Exception is made when the order issuing authority (Navy Military Personnel Command) or member designated representative provides a written statement that orders are forthcoming, and shipment may be prior to the official issuance of orders. A review of the documentation supporting the claim shows that you initiated shipment of your HHG on 5 December 2022 prior to the 18 December 2023 issue date of your orders. Since shipment was made prior to the issuance of orders, this office has no legal basis to permit payment of your claim.”

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CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of reference (b) and enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded per reference (b) HHG allowances are based on the when orders are effective and certain criteria must be met in order to execute HHG transportation before an order is issued. On 10 August 2022, Petitioner requested Regular Retirement effective 1 November 2023. Request was denied due to TA obligation. Petitioner began the process of requesting a waiver and was willing to pay the TA balance of \$1,501.75. Petitioner's request was ultimately disapproved by CNP on 6 July 2023. At the time of his HHG move, Petitioner was within 24 months of his statutory retirement date for 30 years, therefore Petitioner had reason to believe that official retirement orders would be forthcoming. The Board determined that Petitioner is entitled to a final move and should be granted relief.

RECOMMENDATION

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

Petitioner's official retirement orders (BUPERS order: 3523) were issued on "3 December 2022" vice "18 December 2023."

A copy of this Report of Proceedings will 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-entitled 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.

5/5/2024

[REDACTED]

Deputy Director

Signed by: [REDACTED]