



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

[REDACTED]
Docket No. 6855-24
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) DoD 7000.14-R FMR Volume 7A, Chapter 26
(c) The Joint Travel Regulations (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 show Petitioner was authorized for reimbursement of Per Diem for lodging for the period of 22 January 2023 to 15 May 2023 while at temporary duty (TEMDU) with [REDACTED].

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 23 January 2025 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 16 August 2023, Petitioner entered active duty.

b. In accordance with reference (b), Table 26-26. Basic Allowance for Housing (BAH) or Overseas Housing Allowance (OHA) Accrual for Service Member Without-Dependent Entitled to Basic Pay (Continued). Rule 10. If a service member is in travel status during a Permanent Change of Station (PCS), including a non-travel status under a permissive travel authorization, a temporary duty travel (TDY) enroute, leave enroute, and proceed time, then BAH or OHA accrues if the service member is not assigned Government quarters while at the old or new permanent duty station (PDS).

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c. In accordance with reference (c), 051203. PCS with TDY at a Location Near, but Outside the Limits of, the Old or New PDS. A. Eligibility. This paragraph applies when a Service member is ordered on a PCS with a TDY enroute, and the TDY is near the old or new PDS or the TDY is at or near the home port when the PDS is a ship or afloat staff. Allowances. 1. No per diem is authorized if the Service member commutes to the TDY location from the quarters occupied while attached to the old PDS or from the permanent quarters the Service member intends to occupy at the new PDS. a. Old PDS quarters are no longer permanent quarters on or after the PCS HHG weight allowance transportation date. b. New PDS quarters become permanent quarters on or after the date the PCS HHG weight allowance shipment is accepted. 2. A Service member who is *required* to purchase meals at personal expense outside the PDS limits may be reimbursed for the cost as an occasional meal. See par. 020305 for occasional meals. 3. Transportation expense incurred in commuting between the quarters at the old or new PDS and the TDY location may be paid as specified in Chapter 2.

d. On 10 August 2022, Petitioner was issued official change duty orders (BUPERS order: 2222) with required obligated service to December 2027, while stationed in [REDACTED] with an effective date of departure of December 2022. Petitioner's intermediate (01) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 21 January 2023. Petitioner's intermediate (02) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 3 June 2023. Petitioner's intermediate (03) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 18 June 2023. Petitioner's intermediate (04) activity was [REDACTED] for temporary duty with an effective date of arrival of 15 July 2023. Petitioner's intermediate (05) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 5 August 2023. Petitioner's intermediate (06) activity was [REDACTED] for temporary duty with an effective date of arrival of 14 September 2023. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 10 December 2023 with a projected rotation date (PRD) of December 2027.

e. On 16 December 2022, Petitioner was advanced to IT3/E-4.

f. On 22 December 2022, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 22 January 2023 for temporary duty.

g. On 22 January 2023, [REDACTED] Reservations issued Petitioner a Certificate of Non-availability (Confirmation [REDACTED]).

h. On 26 January 2023, Petitioner's Master Military Pay Account (MMPA) shows that Petitioner was authorized BAH at the without dependents rate for [REDACTED] effective 22 December 2022.

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i. On 26 January 2023, Petitioner's Master Military Pay Account (MMPA) shows that Petitioner was authorized BAH at the without dependents rate for [REDACTED] [REDACTED] started on 22 January 2023 and stopped on 21 October 2023.

j. On 31 January 2023, [REDACTED] issued Petitioner a receipt for the period of 22 January 2023 to 31 January 2023.

k. On 4 March 2023, [REDACTED] issued Petitioner a receipt for the period of 31 January 2023 to 4 March 2023.

l. On 15 May 2023, [REDACTED] issued Petitioner a receipt for the period of 4 March 2023 to 15 May 2023.

m. On 16 August 2023, Petitioner was advanced to IT2/E-5.

n. On 11 September 2023, Petitioner was issued official modification to change duty orders (BUPERS order: 2222) with required obligated service to December 2028, while stationed in [REDACTED] with an effective date of departure of December 2022. Petitioner's intermediate (01) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 21 January 2023. Petitioner's intermediate (02) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 30 May 2023. Petitioner's intermediate (03) activity was [REDACTED] [REDACTED] for temporary duty with an effective date of arrival of 16 September 2023. Petitioner's intermediate (04) activity was [REDACTED] [REDACTED] for temporary duty with an effective date of arrival of 7 October 2023. Petitioner's intermediate (05) activity was [REDACTED] [REDACTED] for temporary duty under instruction with an effective date of arrival of 21 October 2023. Petitioner's intermediate (06) activity was [REDACTED] [REDACTED] for temporary duty with an effective date of arrival of 18 November 2023. Petitioner's intermediate (07) activity was [REDACTED] [REDACTED] for temporary duty under instruction with an effective date of arrival of 3 February 2024. Petitioner's intermediate (08) activity was [REDACTED] [REDACTED] for temporary duty with an effective date of arrival of 15 March 2024. Petitioner's ultimate activity was [REDACTED] [REDACTED] for duty with an effective date of arrival of 10 July 2024 with a PRD of July 2028.

o. On 15 September 2023, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 18 September 2023 for temporary duty.

p. On 18 September 2023, [REDACTED] issued Petitioner a Residential Lease Agreement for the period of 18 September 2023 to 17 September 2024 with a month rent of \$2,165.00.

q. On 5 October 2023, Petitioner transferred from [REDACTED] and arrived at [REDACTED] on 6 October 2023 for temporary duty.

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- r. On 20 October 2023, Petitioner transferred from [REDACTED] and arrived at [REDACTED] on 22 October 2023 for temporary duty.
- s. On 18 November 2023, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 18 November 2023 for temporary duty.
- t. On 26 December 2023, Petitioner's Master Military Pay Account (MMPA) shows that Petitioner was authorized BAH at the without dependents rate for [REDACTED] [REDACTED] started on 18 November 2023.
- u. On 5 February 2024, Petitioner transferred from [REDACTED] and arrived at [REDACTED] on 5 February 2024 for temporary duty.
- v. On 8 February 2024, Travel Voucher Summary (Voucher No. B83190) was issued and paid on 9 February 2024 with a Start Date of 22 December 2022, End Date of 18 November 2023, Detach Date of 22 December 2022, and Report Date of 12 April 2024. Advances/Prior Payments: \$0.00, Total Entitlement \$4041.72, Total Charged to Acct. Class \$4041.72, Total Amount Payable \$4041.72, Split Payment \$4041.72, and Due Employee \$0.00. Remarks: "OMN SDNs: N6298023T0ED93H, N6298024T0ED93H. PROCESS MEMBER PARTIAL TRAVEL CLAIM Member receiving BAH upon arrival in [REDACTED] on 01/22/2023. Member can file supplemental for TLE in [REDACTED] showing lodging with zero balance. member can file sup lodging as well in [REDACTED] and [REDACTED] applied split payment amount of \$4041.78 towards GTCC. Paid single DLA."
- w. On 14 March 2024, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 15 March 2024 for temporary duty.
- x. On 12 April 2024, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 12 April 2024 for duty.
- y. On 22 April 2024, Travel Voucher Summary (Voucher No. [REDACTED]) was issued and paid on 30 May 2024 with a Start Date of 22 December 2022, End Date of 18 November 2023, Detach Date of 22 December 2022, and Report Date of 12 April 2024. Advances/Prior Payments: \$4041.72, Total Entitlement \$2663.02, Total Charged to Acct. Class \$-1378.70, Total Amount Payable \$-1378.70, and Due US \$-1378.70. Remarks: "OMM SDNs: N6298023T0ED93H, N6298024T0ED93H. - Meals Per Diem was recouped on 10/06 at sere school due to missing sere memo - Meals at [REDACTED] was changed to DED meals due to member had a meal card – For lodging reimbursement in [REDACTED], member needs to submit TLE form, master military pay account (NMPA) shows member started receiving BAH 01/26/23 - Due to the US \$1,378.70."
- z. On 28 May 2024, Petitioner signed a Temporary Lodging Expense (TLE) Allowance Certification (NPPSC 7220/2) for the period of 22 January 2023 to 15 May 2023 while at [REDACTED].

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aa. On 30 May 2024, Travel Voucher Summary (Voucher No. [REDACTED] was issued and paid on 31 May 2024 with a Start Date of 22 December 2022, End Date of 18 November 2023, Detach Date of 22 December 2022, and Report Date of 12 April 2024. Advances/Prior Payments: \$2663.02, Total Entitlement \$4486.92 (TLE: 1647.10 for the period of 22 January 2023 to 4 February 2023), Total Charged to Acct. Class \$1823.90, Total Amount Payable \$445.20, and Due Employee \$445.20. Remarks: "OMN SDNs: N6298023T0ED93H, N6298024T0ED93H. Supplemental Claim for TLE."

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of reference (c), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that on 10 August 2022, Petitioner was issued orders 2222 to [REDACTED] with six intermediate activities, beginning with [REDACTED]. Petitioner was required by [REDACTED] to obtain lodging off base and he provided a certificate of non-availability. Because this TDY location was located near the ultimate activity, Petitioner was not eligible for per diem in accordance with reference (c). Although his first TDY was near his new PDS, the five other intermediate activities were in [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED]. The Board determined that it is unreasonable to expect a member with six intermediate activities, two of which were several states away from the first TDY location near the PDS, to hunt for permanent quarters while still going through school. Petitioner did not establish a residence and commute to the TDY location for the period in question. Petitioner was paid an advance in the amount of \$4041.72, however because he was in receipt of BAH at the without dependents rate in accordance with reference (b), he incurred a debt. Therefore, the Board determined that Petitioner is authorized per diem for the period of 22 January 2023 to 15 May 2023.

RECOMMENDATION

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

Petitioner was issued official change duty orders (BUPERS order: 2222) on 10 August 2022 with required obligated service to December 2027, while stationed in [REDACTED] with an effective date of departure of December 2022. No "ultimate activity" was listed.

Petitioner's official modification to change duty orders (BUPERS order: 2222) were issued on 15 May 2023 vice 11 September 2023.

Note: Petitioner will submit a supplemental travel claim with all required documents to include a copy of this letter through appropriate administrative channels for reimbursement of lodging, local meals, and incidentals for the period of 22 January 2023 to 15 May 2023. Settlement of claim is chargeable to the line of accounting on the Petitioner's BUPERS order: 2222.

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Furthermore, this change may affect the entitlement of TLE for the period of 22 January 2023 to 4 February 2023 and BAH previously received.

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 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.

1/30/2025

[REDACTED]

Deputy Director

Signed by: [REDACTED]