



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

█
Docket No. 9628-24
Ref: Signature Date

█
█
█
Dear █

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 20 February 2025. 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 (NAVSUP) letter 5420 Ser SUP 04/128 of 10 December 2024, which was previously provided to you for comment.

On 15 March 2019, you were issued official retirement orders (BUPERS order: 0749) while stationed in █ with an effective date of departure of May 2019 from duty. Furthermore, the following was listed: Proceed to home of selection. Regard relieved of all active-duty effective at 2400 on date of detachment. "Reporting Senior directed to detach member in time to proceed and report on 28 May 2019 at following station."

You were retired with an honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 3 October 1996 to 28 May 2019 due to disability, permanent.

In accordance with the Joint Travel Regulations, "Transportation of Unauthorized Items. Non-HHG items must be transported apart from authorized HHG, and the Service member must make the arrangements for separate transportation. If non-HHG items are transported in the HHG shipment and later disclosed or discovered, then the Service member is financially responsible for all identifiable transportation costs for the items. If the transportation cost of the items cannot

be established, then the weight of the non-HHG items is considered excess weight and the transportation cost is computed as specified in Table 5-36.”

“Responsibilities. The Service member or next of kin, when appropriate, who personally arranges for HHG transportation without going through a Government transportation office is responsible for all issues and costs related to any of the following: 1. The Status of Force Agreement (SOFA) if the transportation is to or from a location OCONUS. 2. The use of U.S. flag carriers, import and export processes, tariffs, customs, and, if Service regulations require their use, any available Voluntary Inter-modal Sealift Agreement ship carriers. 3. HHG transportation costs paid by a third party. The Service member or next of kin is not reimbursed for costs paid by a third party.”

“Determining Weight. The weight of HHG transported is normally established with certified weight certificates from a public weigh master or Government scales. The public weigh master is the person who issues the weight certificates. The net weight, or the Service member’s authorized weight allowance, whichever is less, is used to determine the Government’s constructed cost.”

“Final Settlement. Final settlement for reimbursement of personally procured transportation, regardless of the transportation method, is based on the GCC of the actual weight moved, limited to the authorized PCS weight allowance. Submit certified weight certificates or an acceptable constructed HHG weight with the claim for reimbursement. The Government cannot incur moving expenses for HHG that is more than 100% of the Government’s projected cost to transport the HHG commercially. Service members or dependents using the same POV for traveling and PPM [Personally Procured Move] are authorized both a PPM monetary allowance and MALT Plus as separate allowances.”

On 23 May 2024, █ issued █ a statement with Kind of Package, Description of Articles, Special Remarks & Exceptions / Weight: Household goods (HHG), tools, shop contents/33,120 lbs.

On 6 June 2024, Office of the Chief of Naval Operations notified you that “[t]his letter is in response to your request of 6 June 2024 for an extension to the time limit for travel and transportation at Government expense to your home of selection (HOS) incident to your retirement from the Navy on 28 May 2019. If you have not been provided travel and transportation at Government expense incident to your retirement from the Navy, as authorized in the Joint Travel Regulations (JTR), paragraphs 051003-Alb (member and dependent travel), and 052013-A1 b (household goods transportation) i.e., you have not completed your HOS move, the time limit for you and your family members to travel to your HOS and for shipment of household goods (HHG) is extended through 30 September 2024. The authorization for this extension is in accordance with JTR paragraphs 051003IId and 052013-C1 (Other Deserving Cases).

The JTR does not allow extension of your entitlement to Non-Temporary Storage (NTS) of HHG at government expense beyond the initial one-year time limit after active-duty

termination in connection with retirement or transfer to the Fleet Reserve. All NTS accounts must convert to member's expense upon expiration of entitlement."

On 10 June 2024, you signed an Application for Personally Procured Move and Counseling Checklist (DD Form 2278) listing a move from [REDACTED] with a maximum authorized weight of 14,500 lbs. and Estimated Government Constructive Cost of \$39,416.80. It was certified by a counselor on 10 June 2024.

On 23 September 2024, [REDACTED] notified you that "[o]ur office is responsible for adjudicating all Government-arranged and Personally Procured household goods moves for Navy service members. We are currently reviewing your household goods move.

Paragraph 051502 A.3 of the Joint Travel Regulation states that if a third party (e.g., a new employer) pays for the household goods transportation, no reimbursement is authorized. A review of the documentation supporting the claim shows that a third party paid for the shipment of your household goods. As a result, this office has no legal basis to permit payment of your claim.

If you wish to appeal this decision, you may file an application with the Board for Correction of Naval Records, [REDACTED] for their review and recommendation. If they rule in your favor, we will re-audit the claim."

On 23 September 2024, a screenshot of an account listed as [REDACTED] shows that on 8 July 2024, a check in the amount of \$12,331.71 was debited from that account and on 16 July 2024, a deposit of \$15,016.35 was made into [REDACTED] account to reimburse for the HHG move shipment.

You requested a reversal of the denial issued by [REDACTED] for your PPM of HHG from [REDACTED] during June 2024. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You stated that you paid from a checking account that was utilized for your business and for personal use. You also stated that in March 2024, "[t]he final employee of [REDACTED] [REDACTED] is removed from payroll as the failed venture of business ownership is disestablished." However, the Board noted that the account a [REDACTED] was listed as [REDACTED] on the date you paid for your HHG shipment and in accordance with the screenshot you submitted, it was still listed as [REDACTED] as late as 23 September 2024, when your claim was denied by NAVSUP and you signed your DD Form 149. The JTR states that a member who personally arranges for HHG transportation without going through a government transportation office is responsible for all issues and costs related to HHG transportation costs paid by a third party [REDACTED] is a third party. The Board further concluded that in accordance with the JTR, "final settlement for reimbursement of personally procured transportation, regardless of the transportation method, is based on the GCC of the actual weight moved, limited to the authorized PCS weight allowance. Submit certified weight certificates or an acceptable constructed HHG weight with the claim for reimbursement." Your claim contained no weight tickets. Additionally, you provided no

inventory sheets, signed contract, or receipt for payment made by you. Moreover, the JTR states that “non-HHG items must be transported apart from authorized HHG, and the Service member must make the arrangements for separate transportation. If non-HHG items are transported in the HHG shipment and later disclosed or discovered, then the Service member is financially responsible for all identifiable transportation costs for the items.” You shipped both HHG and tools/shop contents. The Board determined that you did not execute your move in accordance with the JTR and that there is no legal basis to overturn NAVSUP’s denial of your claim, therefore a change to your record is not warranted. In this connection, the Board substantially concurred with the comments contained in the aforementioned advisory opinion.

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,

2/25/2025

