

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

JUN 12 1998

IN THE MATTER OF:

DOCKET NUMBER: 97-00999

[REDACTED]

COUNSEL: NONE

[REDACTED]

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

He be reimbursed \$271.00 for the cost of an airline ticket that he purchased 65 days prior to the issuance of his travel orders from a Commercial Travel Office (CTO) not under contract to the Federal Government.

APPLICANT CONTENDS THAT:

He purchased an airline ticket in accordance with all expressed/implied regulations, but was denied reimbursement based on new rules published after he had already purchased his tickets.

In support of his appeal, the applicant provided a personal statement, AFITI 36-101 and JFTR extracts, his application for active duty training (ADT), and other documents associated with the matter under review.

Applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS:

Applicant was appointed a second lieutenant, Reserve of the Air Force, Medical Service Corps (MSC), on 4 February 95.

The relevant facts pertaining to this application are contained in the letter prepared by the appropriate office of the Air Force. Accordingly, there is no need to recite these facts in this Record of Proceedings.

AIR FORCE EVALUATION:

The Directorate of Customer Assistance, ARPC/DR, reviewed this application and recommended denial. According to DR, prior to May 96, travel orders were issued that did not specify any requirements for the purchasing of airline tickets, and

consequently Dobbins ARB reimbursed members after they filed their travel vouchers. Dobbins ARB was made aware that their voucher processing was not in accordance with a Joint Federal Travel Regulation (JFTR) rule, and immediately changed their payment processing to adhere to the rule. This rule, found in Vol 1, para U3120-A of the JFTR specifies that when a member purchases transportation from a CTO not under contract to the Government, reimbursement is not authorized unless it can be demonstrated that the member had no alternative.

DR indicated that HQ ARPC was not aware of this change to procedure until the first member was denied payment by the Reserve Travel Office at [REDACTED] B. HQ ARPC then alerted the field about the change, and on 1 May 96, started placing a statement in the Remarks Section of travel orders alerting members that in order to be reimbursed by [REDACTED] B, they must purchase their tickets from a Government CTO.

DR noted that the applicant is a Health Professions Scholarship Program (HPSP) student who performed duty at Travis AFB from 6 Oct 96 through 19 Nov 96. His AF Form 1289, Request for Active Duty Training, was signed on 14 Apr 96, and forwarded to HQ ARPC/DRO sometime after 20 Aug 96. He purchased his nonrefundable airline ticket on 24 Jul 96, and his Reserve Order (RO) JA-25898 was issued on 26 Sep 96, 65 days after he purchased his airline ticket. He purchased his ticket from a source not under contract to the Federal Government, and he contends he was not informed of any procurement restriction until after he had purchased the ticket.

DR indicated that, on 22 Jul 96, HQ ARPC/DRO transmitted a message to all program managers and BIMAAAs advising them that members using other than approved CTOs would not be reimbursed, even if there was a documented savings to the Individual Mobilization Augmentee program.

According to DR, HQ ARPC does not support or encourage Reservists to purchase their tickets months before orders are issued and/or before they receive their orders as the applicant did. Tour dates may change, tours may be canceled, or other changes may occur that could negate the need for the ticket. If the applicant had purchased his airline ticket after the issuance of his orders, he would have read the statement on his orders directing him to purchase his ticket from a Government contracted CTO, and he would have been informed of the procurement restriction prior to purchasing his ticket.

A complete copy of the DR evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

In his response, the applicant indicated that was told prior to his ADT that the orders for his active duty tour would likely be completed approximately two weeks prior to the beginning of my ADT. However, he contends that in order to procure his own air passage as he understood to be his right by all previous correspondence, he could not wait for these orders to be sent to him if he was to be certain he was able to fly on the most convenient days and for the most reasonable price. It is for that reason that he purchased his tickets early.

This, however, may be a moot point, since his orders were not sent to him on time for his departure to his ADT, and Travis AFB personnel instead had to fax a copy of his orders to him just days prior to his ADT. This was the first time he received any communication stating that he must procure his travel through SATO, and was well after he could make any changes in travel plans.

Regarding the statement in the advisory that HQ ARPC/DRO transmitted a message to all program managers and BIMMAs advising that no CTOs would be reimbursed, however he was not contacted with this correction and no other communications to this effect were sent out until it was too late.

The advisory mentioned an excerpt from the AFHPS/FAP handout which states "you must purchase airline tickets from military SATO or directly from the airline". He believe if the date is checked on which the issue was distributed you will find this to be well after his ADT was approved and well after he had purchased his tickets.

Applicant indicated that he had no knowledge of HQ ARPC discouraging reservists from purchasing their tickets months before orders are issued. Although orders were not signed, he was approved for the ADT before he procured his tickets and wanted to secure air travel well in advance to assure the best price and greatest convenience. Therefore, he feels that it was reasonable to purchase the airline tickets at the time he did. In any event, the orders were not mailed to him in time to inform him of the change in rules (he believes his wife received the original copies sent to his home later during his first week of ADT). Instead, he had to directly request that a copy of his orders be faxed to him. This was clearly too late to wait to make air travel plans, and too late to change those plans he had already made.

Applicant's complete response is at Exhibit E.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.
3. Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. After reviewing the available evidence, we are persuaded that the applicant was not advised of the change in procedure prior to the purchase of his tickets, and that he was not so advised until just days prior to his departure for his ADT. Therefore, in our view, the applicant had no other alternative but to purchase transportation from a CTO not under contract to the Government. In addition, we believe it probable that the applicant was not familiar with the Reserve policy concerning the purchase of tickets prior to the issuance of orders since he was a fairly recent addition to the active Reserve rolls. Accordingly, we recommend that the applicant's records be corrected as indicated below.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that he had no other alternative but to purchase transportation from a commercial travel office (CTO) not under contract to the Government, that he was authorized to purchase airline tickets in connection with his active duty for training at [REDACTED] during the period 6 October 1996 through 19 November 1996, and that he be reimbursed the cost of the airline ticket in the amount of \$271.00.

The following members of the Board considered this application in Executive Session on 17 Feb 98, under the provisions of AFI 36-2603:

Mr. Thomas S. Markiewicz, Panel Chair
Mr. Joseph G. Diamond, Member
Ms. Sophie A. Clark, Member

All members voted to correct the records, as recommended. The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 24 Mar 97, w/atchs.
Exhibit B. Applicant's Master Personnel Records.
Exhibit C. Letter, ARPC/DR, dated 12 May 97.

Exhibit D. Letter, SAF/MIBR, dated 2 Jun 97.

Exhibit E. Letter, applicant, dated 2 May 96 (sic).

A handwritten signature in cursive script, appearing to read "Thomas S. Markiewicz".

THOMAS S. MARKIEWICZ
Panel Chairman



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

JUN 12 1998


Office of the Assistant Secretary

AFBCMR 97-00999

MEMORANDUM FOR THE CHIEF OF STAFF

Having received and considered the recommendation of the Air Force **Board** for Correction of Military Records and under the authority of Section 1552, Title 10, United States Code (70A Stat 116), it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED], be corrected to show that he had no other alternative but to purchase transportation from a commercial travel office (CTO) not under contract to the Government, that he was authorized to purchase airline tickets in connection with his active duty for training at [REDACTED], during the period 6 October 1996 through 19 November 1996, and that he be reimbursed the cost of the airline ticket in the amount of \$271.00.


JOE G. LINEBERGER
Director
Air Force Review Boards Agency