

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-01692

COUNSEL: NONE

HEARING DESIRED: NO

AUG 14 1998

APPLICANT REQUESTS THAT:

His records be changed to reflect an effective date prior to 1 October 1996 on his rental lease to allow \$200 higher for his overseas housing allowance (OHA).

APPLICANT CONTENDS THAT:

When he in-processed in [REDACTED] in March 1997, assigned personnel informed him that the monthly OHA rate was \$2500 for a major (O-4). He received different information from the travel pay section so therefore contacted the sergeant in charge of OHA in the region who verified the \$2500 monthly rate. Applicant states that on 1 April 1997 he signed a lease committing him to a \$2500 monthly housing rental. On 3 April 1997 he received a Joint Federal Travel Regulation (JFTR) update and learned the rate was \$2300 for a major after 30 September 1996.

A request for a \$2500 funding was considered by the Per Diem and Allowance Committee and denied based on what the sergeant in charge of OHA region stated as past problems in [REDACTED]. Applicant then contacted the senior person in the Office of the Secretary of Defense (OSD) who explained that the past problems predated any personnel currently assigned to the United States Military Liaison Office (USMLO), [REDACTED] but the changes were only recently made. Applicant was also informed that even though representatives of the U. S. Government had made a mistake in informing him of the correct OHA rate for [REDACTED] the U. S. Government is not responsible for their representatives mistakes. Applicant states that since he was provided the information for OHA rates prior to 1 October 1996 and signed a binding contract based on that information, the lease should be considered as effective based on the information he received.

In support of his request, applicant submits a letter from a U.S. Army Colonel, Military Liaison Office; a copy of the lease agreement; and, an E-mail message.

Applicant's submission is attached at Exhibit A.

STATEMENT OF FACTS:

Applicant is currently serving on extended active duty in the grade of major.

Applicant arrived at his new duty station in [REDACTED] on 13 March 1997.

The relevant facts pertaining to this application, extracted from the applicant's military records, are contained in the letter prepared by the appropriate office of the Air Force Office of Primary Responsibility (OPR). Accordingly, there is no need to recite these facts in this Record of Proceedings.

AIR FORCE EVALUATION:

The Chief, Military Compensation & Legislation Division, HQ USAF/DPPC, states that after the applicant signed the \$2500 lease, he found out the JFTR, Vol I lists two rates for [REDACTED] one for individuals who signed their lease prior to 1 October 1996 (\$2500) and one for individuals who signed their lease after 30 September 1996 (\$2300). The staff at the Per Diem, Travel and Transportation Allowances Committee verified these rates were listed in the JFTR as early as January 1997.

Consideration should be given to the applicant because at least one person in the [REDACTED] Comptroller Squadron [REDACTED] (CPTS) gave him bad information concerning the OHA rate in [REDACTED]. However, HQ USAF/DPPC recommends denial of the request for two reasons. First, changing the effective date of his lease would affect a number of other areas, including entitlement to OHA and cost of living allowance for an additional six months and a change to his return from overseas date. Second, the OHA entitlement is not meant to cover 100 percent of rental payments for 100 percent of personnel assigned overseas. Specifically, 20 percent of all people assigned overseas are expected to pay out of pocket to cover their rental payment. Admittedly, applicant is paying more out of pocket than most people in [REDACTED] (roughly \$90 more).

A copy of the Air Force evaluation is attached at Exhibit B.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Applicant states, in summary, that the chronology of events listed in the Air Force evaluation doesn't include the difference in authority of the individuals who provided the erroneous

\$2500/month rate. There were three individuals who knew about the conflicting rate quotes and included the supposed subject matter expert, informing him that the correct rate was \$2500 monthly and one individual who was working outside of his normal area of duties who informed him the rate was \$2300 monthly. Due to the workload situation where he immediately began working in excess of 90 hours per week from the date of arrival and did not have a day off until mid-April, he believed the \$2500/month rate was accurate after confirmation from the three individuals cited above, felt that further investigation was unnecessary and concentrated on duty requirements. Applicant states that he does not dispute the Per Diem, Travel and Transportation Allowances Committee statement on the date of the change to the JFTR; however, he feels that information is irrelevant. He (applicant) was not responsible for the posting and management of that JFTR change and does not feel he should have to pay \$4,400 for others' mistakes.

A copy of the applicant's response is attached at Exhibit D.

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 warranting relief to applicant's request. It appears that prior to applicant being assigned to [REDACTED] in March 1997, he inquired, and was informed that the overseas housing allowance (OHA) rate for that area was \$2500 per month. When contacting the [REDACTED] CPTS at [REDACTED], he was informed that the OHA rate was \$2300. The applicant made several attempts to get the correct information regarding the OHA rate and was later informed that indeed the OHA rate was \$2500. Therefore, based on his most recent information, the applicant signed a housing lease on 1 April 1997 at the \$2500 rate believing this was the correct rate. After he signed the lease, the applicant was informed there was a change to the JFTR and his OHA rate would be \$2300. We believe that through no fault of his own, he was misled with regard to the correct rate for the OHA. Therefore, we recommend applicant's records be corrected to the extent 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 his request to be issued a separate location code under the provisions of the

Joint Federal Travel Regulation (JFTR), Appendix K. thereby entitling him to receive overseas housing allowance (OHA) pay at the monthly rate of \$2500.00, effective 1 April 1997, (date of lease), was approved by competent authority.

The following members of the Board considered this application in Executive Session on 2 June 1998, under the provisions of AFI 36-2603:

Mr. LeRoy T. Baseman, Panel Chair
Mr. Joseph G. Diamond, Member
Ms. Peggy E. Gordon, Member

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

- Exhibit A. DD Form 149, dated 20 May 97, w/atchs.
- Exhibit B. Letter, HQ USAF/DPPC, dated 4 Nov 97.
- Exhibit C. Letter, AFBCMR, dated 22 Dec 97.
- Exhibit D. Applicant's Letter, dated 20 Jan 98, w/atrch.



T. BASEMAN

Panel Chair



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

Office of the Assistant Secretary


AUG 14 1998

AFBCMR 97-01692

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 his request to be issued a separate location code under the provisions of the Joint Federal Travel Regulation (JFTR), Appendix K, thereby entitling him to receive overseas housing allowance (OHA) pay at the monthly rate of \$2500.00, effective 1 April 1997 (date of lease), was approved by competent authority.


JOE G. LINEBERGER
Director
Air Force Review Boards Agency