

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:
XXXXXXX

DOCKET NUMBER: BC-2011-02981
COUNSEL: NONE
HEARING DESIRED: YES

APPLICANT REQUESTS THAT:

The Government honor the contract he signed with them for a personally procured move (PPM) at the estimated rate of \$13,565.34.

APPLICANT CONTENDS THAT:

On 29 Apr 2011, the Maxwell AFB traffic management flight (TMF) quoted him a PPM incentive of \$13,565.34.

On 3 May 2011, TMF was informed that the rates were going to change, which was four days after he signed the contract.

TMFs were told to suspend PPM counseling on all shipments. On 6 May 2011, all PPMs were to be recomputed under the new rates. He was not contacted, and in good faith that the government would honor its contract, he proceeded with his move.

On 22 Jun 2011, he was told his rate had changed and he would receive a total of \$8,615.00 and not the agreed upon \$13,565.35. He filed a rebuttal to ECAF which was denied on 14 Jul 2011.

In support of his request, the applicant provides copies of his DD Form 2278, *Application for Do It Yourself Move and Counseling Checklist*, several personal property activity HQs advisories, and pertinent copies of his permanent change of station (PCS) paperwork.

The applicant's complete submission, with attachments, is at Exhibit A.

STATEMENT OF FACTS:

Personal Property Advisory PPA-11-0044, dated 3 May 2011, advised TMFs to suspend counseling on PPM shipments with pickup dates on or after 15 May 2011 because the Defense Personal Property System (DPS) was not costing PPM with new rates going into effect on 15 May 2011. PPA-11-0045, dated 6 May 2011, advised TMFs to suspend actual closeout of PPMs pending

resolution of an issue with the new rates. PPA-11-0052 Advisory, dated 10 May 2011, advised all TMFs to resume counseling and closeout for PPMs as the rate issue had been resolved. DPS was correctly using the new rates for shipments after 15 May 2011.

The applicant's PPM was initiated on 29 Apr 2011 via DD Form 2278. The applicant's original estimate was calculated and resulted in an estimated incentive payment of \$14,279.31 with an advance operating allowance of \$8,139.20. The applicant personally arranged to have his household goods (HHGs) transported at a cost of \$5,348.11. His HHGs were moved between 6-9 Jun 2011.

When the PPM was re-calculated under the new DPS rates, the applicant's incentive payment was reduced to \$8,184.47, less taxes. Since he had already received an operating allowance of \$8,139.20, he received a bill for \$663.82, the difference between the authorized incentive payment, less taxes and the advance operating allowance previously received.

The debt was deducted from his pay.

THE AIR FORCE EVALUATION:

PPA HQ/DD recommends denial. DD states the Joint Federal Travel Regulation (JFTR) requires that a member's reimbursement be based on the Government Constructive Cost (GCC), and at the time he moved his property (6-9 Jun 2011), the GCC was based upon the new rates effective 15 May 2011 as correctly reflected in DPS.

It appears the TMF did not advise the applicant of the new rates. Although it is unfortunate the applicant did not receive as much incentive as he was initially advised, he did not lose any money on this PPM.

The complete DD evaluation is at Exhibit C.

APPLICANT'S REVIEW OF THE AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 9 Dec 2011 for review and comment within 30 days. As of this date, no response has been received by this office.

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 error or injustice. Although it does appear the applicant was miscounseled regarding the amount of reimbursement he could expect to receive for a PPM, we are not inclined to grant him full relief. However, we do believe partial relief is warranted in this case, and recommend that the applicant be reimbursed for his out of pocket expense totaling \$663.82. We believe this constitutes proper and fitting relief. Therefore, we recommend his records be corrected to the extent indicated below.
4. The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issue(s) involved. Therefore, the request for a hearing is not favorably considered.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that under competent authority, government procured transportation was not available and in accordance with Joint Federal Travel Regulation (JFTR), Volume 1, paragraph U5320-D.1, he is authorized reimbursement for his actual expense incurred. This results in an out of pocket expense of \$663.82 due to the member.

The following members of the Board considered this application in Executive Session on 3 Dec 2012, under the provisions of AFI 36-2603:

XXXXXXX, Panel Chair
XXXXXXX, Member
XXXXXXX, Member

All members voted to correct the records, as recommended. The following documentary evidence was considered in AFBCMR BC-2011-02981:

- Exhibit A. DD Form 149, dated 29 Jul 2011, w/atchs.
- Exhibit B. Letter, PPA HQ/DD, dated 28 Nov 2011.
- Exhibit C. Letter, SAF/MRBR, dated 9 Dec 2011.

XXXXXXX
Panel Chair