

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01081  
COUNSEL: NONE  
HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

Her deceased husband's entitlement to a Home of Selection (HOS) move be restored so that she may ship her household goods (HHG) and vehicle to Turkey.

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APPLICANT CONTENDS THAT:

She was married to the service member who served honorably for six years and was medically retired due to an aggressive form of cancer.

His official military retirement date was 5 Jul 2006. Her husband passed away on 13 Feb 2012. His retirement pay was their only source of income and since his passing she finds herself without the means to move back to her native country.

Changing her deceased husband's shipping entitlement will allow her and her two year old daughter to return to her home in Turkey where her only remaining family members reside.

She does not have very much. She has a small car, which is her only source of transportation. She is submitting this request to allow her to move without having to sell everything she owns.

In support of her request the applicant provides a personal statement, copies of DD Forms 214, *Certificate of Release or Discharge from Active Duty*; DD Form 1173, *Identification and Privilege Card*, a Certificate of Birth, Certificate of Death, and her Marriage Certificate.

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

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STATEMENT OF FACTS:

Per Special Order ACD-00858, dated 26 May 2006, the deceased member was relieved from active duty and permanently disability

retired effective 6 Jul 2006. As a result of his medical retirement, he effected two personal property shipments: HHG from Japan on 26 Aug 2006, to storage in California, for 11 months, then to Texas for final delivery on 12 Jul 2007; HHG from storage in South Dakota for delivery to Texas on 2 Jan 2007. The member remained in Texas until he passed away on 13 Feb 2012.

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THE AIR FORCE EVALUATION:

PPA HQ/ECAF recommends denial. ECAF states the Air Force is governed in matters pertaining to the shipment of HHG for its military members by Volume 1, Joint Federal Travel Regulation (JFTR). JFTR Volume 1, paragraph U5365-A authorizes shipment of HHG upon retirement from the last or previous permanent duty station, a CONUS designated place, storage, or any combination thereof, to the member's HOS. Paragraph U5318 advises that HHG transportation must not be made for a member's convenience to some other place for re-transportation later. The entitlement to ship HHG was exhausted when the shipments were moved to the HOS upon the member's retirement. Although the circumstance is unfortunate, there is no statutory authority on which to re-ship property without new orders.

The complete ECAF evaluation is at Exhibit C.

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APPLICANT'S REVIEW OF THE AIR FORCE EVALUATION:

On 19 Jun 2012, a copy of the Air Force evaluation was forwarded to the applicant for review and comment within 30 days. As of this date, no response has been received by this office (Exhibit D).

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THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was not timely filed; however, it is in the interest of justice to excuse the failure to timely file.
3. Insufficient relevant evidence has been presented to demonstrate the existence of error or injustice. We took notice of the applicant's complete submission in judging the merits of the case; however, we agree with the opinion and recommendation

of the Air Force office of primary responsibility and adopt its rationale as the basis for our conclusion the applicant has not been the victim of an error or injustice. Therefore, in the absence of evidence to the contrary, we find no basis to recommend granting the relief sought in this application.

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THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

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The following members of the Board considered this application in Executive Session on 13 Sep 2012, under the provisions of AFI 36-2603:

Panel Chair  
Member  
Member

The following documentary evidence was considered in AFBCMR BC-2012-01081:

- Exhibit A. DD Form 149, dated 12 Mar 2012, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, PPA HQ ECAF, dated 8 Jun 2012.
- Exhibit D. Letter, SAF/MRBR, dated 19 Jun 2012.

Panel Chair