

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01263
COUNSEL: NONE
HEARING DESIRED: YES

APPLICANT REQUESTS THAT:

The final date for completion of his home of selection (HOS) move be corrected to reflect 17 September 2010.

APPLICANT CONTENDS THAT:

Prior to the expiration of his entitlement to move his household goods (HHG) and travel of his family, he contacted the Travel Management Office (TMO) at Luke Air Force Base (AFB), Arizona, to effect movement of his HHG to his HOS. Based on the estimated weight of 26,000 pounds during a pre-move survey, he decided to perform a personally procured move (PPM). In June 2010, he was advised that he required surgery to correct a medical condition. He contacted the Air Force Personnel Center and was advised he would receive no further extensions without going through the Secretarial process. His doctor sent an email stating the move needed to be delayed due to the medical condition. His wife contacted the TMO at Luke AFB and was instructed to move at their earliest convenience and that everything would be okay. After their PPM, accomplished between 28 August 2010 and 4 September 2010, he filed vouchers and received partial reimbursement for the PPM, but nothing for dependent travel. Then, the Air Force advised him that the money he was initially reimbursed is going to be taken out of his pay.

He feels the Air Force fouled him and he has no control over of a situation that affects his entire family. He was following the instructions of an authorized and recommended doctor. He believes he was protected when the TMO representative advised him to go ahead with his move. He believes his appeal should be approved based on guidance in the Joint Federal Travel Regulation (JFTR), paragraph U5365-F, *Other Deserving Cases*. In light of his family tragedies, his incapacity, his wife's feeling compelled to make it happen as best she could, he believes his case is exceptional. He and his family's service were valiant, and they earned their ride home. It should not be taken away for medical issues beyond his control when authorized by the JFTR.

In support of his appeal, the applicant provides a personal letter, and copies of electronic communications, medical records, and a letter from the Defense Finance and Accounting Service (DFAS).

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

STATEMENT OF FACTS:

The applicant was relieved from active duty on 31 July 2004, and retired effective 1 August 2004 in the grade of Chief Master Sergeant (E-9).

The remaining relevant facts, extracted from the applicant's military service records, are contained in the Air Force evaluation at Exhibit B.

AIR FORCE EVALUATION:

PPA HQ/ECAF recommends approval. ECAF states the applicant applied for and received extensions for travel and transportation (shipment of HHG) entitlements through 31 July 2010. He initiated a DD Form 2278, *Application for Do-It-Yourself Move and Counseling Checklist*, signed on 9 July 2010, to move his HHG to his HOS. He received an advance operating allowance of \$8,381.38. On 27 July 2010, the applicant's physician sent an email to Headquarters Air Force Personnel Center (AFPC) requesting a delay in his military move due to medical treatment. The applicant purchased packing materials on 31 July 2010. Upon completion of the PPM in September 2010, the applicant applied for the remaining payment of PPM, along with payment for travel of his dependents, but was denied.

ECAF indicates that JFTR, Volume I, paragraphs U5365-D and U5365-F authorizes extensions of travel and transportation entitlements (under Secretarial process) for members undergoing hospitalization/medical treatment, and under other deserving cases (events beyond member's control preventing movement within the authorized period), respectively. JFTR paragraph U5012-I further clarifies that an extension must not be authorized for approval for more than six years from the date of separation or release from active duty unless a member's certified ongoing medical condition prevents relocation of the member for longer than six years from the retirement date. The paragraph also advises that an extension under "Other Deserving Cases," for any reason, may not be for more than six years from the date of separation or release from active duty or retirement. JFTR paragraph U5365-A further advises that HHG must be turned over for transportation within one year from termination of active duty or expiration of extensions.

Although the applicant did not qualify for an extension past the six year period, according to the above references, it appears he was erroneously counseled by the TMO at Luke AFB to go ahead and move at their earliest convenience and all would be okay. Also,

the purchasing of packing materials on 31 July 2010 indicates packing began on that day. Packing is part of the transportation process and HHG is considered "turned over for shipment" when it begins. Therefore, the shipment actually began prior to the expiration. Based on the above, they believe an error was made in advising the applicant to move at earliest convenience after expiration of entitlement, and in the determination that packing was not considered as part of the moving process, resulting in an injustice against the applicant by not allowing him to receive the reimbursement in which he was entitled for his PPM and dependent travel.

The complete PPA HQ/ECAF evaluation is at Exhibit B.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 8 June 2012 for review and comment within 30 days (Exhibit C). As of this date, this office has received no response.

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 an injustice to warrant relief. After a thorough review of the evidence presented, it appears the applicant was erroneously counseled in regard to his travel and transportation benefits. Additionally, PPA HQ/ECAF notes that the applicant actually timely effected his move by beginning the packing phase prior to expiration of his approved extension. Therefore, we agree with the opinion and recommendation of PPA HQ/ECAF that the applicant is the victim of an injustice and that relief should be granted. Accordingly, we recommend the applicant's record 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 issues 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 competent authority approved his extension request for travel and transportation entitlements through 30 September 2011, based on an ongoing medical condition.

The following members of the Board considered AFBCMR Docket Number BC-2012-01263 in Executive Session on 27 November 2012, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

All members voted to correct the records, as recommended. The following documentary evidence for AFBCMR Docket Number BC-2012-01263 was considered:

- Exhibit A. DD Form 149, dated 15 Mar 12, with atchs.
- Exhibit B. Letter, PPA HQ.ECAF, dated 6 Jun 12.
- Exhibit C. Letter, SAF/MRBR, dated 8 Jun 12.

Panel Chair