



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

LCC:lc
Docket No: 3126-01
19 September 2001

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

[REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) CMC ltr 7200 MM 17 Apr 01
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show Petitioner is entitled to per diem and Temporary Additional Duty (TAD) benefits for a period of TAD in excess of 180 days.
2. The Board, consisting of Messrs. Mazza, Morgan, and Shy, reviewed Petitioner's allegations of error and injustice on 30 May 2001 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.
3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:
 - a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.
 - b. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:

a. On 8 July 2000 the appropriate authorities revoked Division Order Number 0529-00, dated 28 March 2000 which reassigned Petitioner from Okinawa, Japan to 4th Marine Division, Twin Cities, MN and also revoked the first endorsement dated 7 July 2000 to those orders.

b. On 27 March 2001 immediately after CMC message 271339Z Mar 01 was issued the message was revoked, in that, the message was issued in error.

c. On 27 March 2001 immediately after CMC message 271425Z Mar 01 was issued the message was revoked, in that, the message was issued in error.

d. The special orders dated 24 April 2001 issued by the 4th Marine Division, Twin Cities, MN which reassigned Petitioner to Okinawa, Japan were revoked immediately after being issued since they were issued in error when in fact Petitioner was TAD to the 4th Marine Division from Okinawa, Japan.

e. On 6 June 2000, Petitioner's unit of assignment submitted a request to the appropriate authorities for TAD in excess of 180 days in accordance with JFTR, Volume 1, paragraph U2146.B to attend a course of instruction at the 4th Marine Division, Twin Cities, MN. Justification for the TAD in excess of 180 days was that the Petitioner's family was presently in government housing in Okinawa, Japan and the Petitioner would be returning to the unit for duty on completion of the course of instruction. On 13 July 2000 the appropriate authorities approved the request for TAD in excess of 180 days.

f. On 18 July 2000, Petitioner's Unit of assignment issued orders directing Petitioner to proceed on TAD for a period of 277 days, including 4 days travel time (2 going and 2 returning) to the 4th Marine Division, Twin Cities, MN for training with the Redwing Technical College Instrument Repair Technician Course. Petitioner was sent TAD to the 4th Marine Division, Twin Cities, MN reporting 11 August 2000. Upon completion of training Petitioner was directed to return to Okinawa, Japan. Petitioner was authorized 2 days travel reporting to 4th Maine Division and 2 days travel for his return trip to Okinawa, Japan.

g. Petitioner's family remained in government quarters in Okinawa and Petitioner was authorized continued payment of all overseas allowances since dependents continued to reside in government housing in Okinawa, Japan.

h. Petitioner was authorized payment of Family Separation Allowance (FSA), Type II, Subcategory FSA-Temporary for the period 11 August 2000 through 11 May 2001. Petitioner authorized payment of FSA-T, Type II, during period of TAD.

i. Per diem for lodging will be based on \$200.00 per month which was the Petitioner's cost for lodging. Government dining facilities were not available for the Petitioner to use during the period of this TAD .

j. All dates of departures, arrivals, and any dates of leave reflected on Petitioner's pay account which is pertinent to his travel from and to Okinawa, Japan in conjunction with his TAD to the 4th Marine Division, Twin Cities, MN will remain as they are reflected with one exception. In the event Petitioner was given credit for any proceed time the date would be adjusted to show he did not use the proceed time. Petitioner will not be charged leave in lieu of proceed time. The pay account will be adjusted to show he remained on duty vice using any proceed time.

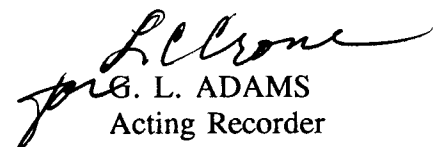
(FOR DFAS: Please verify payments received. Petitioner may have already received some if not all of the per diem for this travel and payment of overseas Cost of Living Allowances and any other overseas allowance Petitioner may be entitled to receive because his dependents remained in the overseas area during period of TAD. In the event Petitioner has not received all of the per diem and other payments he should have received please complete payment of the per diem, overseas allowances, FSA, and any other monies he should receive because of this action.

FOR PETITIONER: Petitioner should go to the closest facility which can compute travel vouchers and ask them to compute all monies due for this action including Overseas Allowances. Petitioner must present to the Agency computing the money Petitioner is entitled to receive a copy of all previously paid vouchers pertaining to the TAD to 4th Marine Division, Twin Cities, MN and a copy of this letter. **The Agency making the computation will not make the actual payment.** Petitioner will then forward the computation of monies due, a copy of this letter and all other previously paid vouchers pertaining to any type of payment for the travel and duty to the 4th Marine Division, Twin Cities, MN to DFAS Denver-POCC, 6760 E. Irvington Place, Denver, CO 80279-7100. Please insure that each copy of a previously paid voucher which is forwarded to DFAS is legible.

k. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


G. L. ADAMS
Acting Recorder

Docket No: 3126-01

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

19 September 2001



W. DEAN PFEFFER
Executive Director