



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

LCC:ddj
Docket No: 4490-01
20 June 2001

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

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

Encl: (1) DD Form 149 w/attachments
(2) Series of Documents
(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 the household goods (HHGs) move made from government quarters to a civilian complex in Hawaii is null and void and that he is authorized to ship HHGs from Hawaii to California, which is his new new duty station.

2. The Board, consisting of Mses. Humberd, Newman, and Mr. Bartlett, reviewed Petitioner's allegations of error and injustice on 19 June 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. After reviewing the correspondence attached as enclosure (2), the Board concluded 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. Petitioner did not move his HHGs at government expense nor did he receive payment for an incentive payment when he move his HHGs from government quarters in December 2000. Petitioner will be indebted to the government as a result of this action but he has been made aware of the indebtedness and was advised that he is not eligible for a waiver of indebtedness since he has knowingly requested the action.


b. Petitioner is authorized shipment of HHGs and travel of dependents from Hawaii to California, his next duty station, at government expense.

c. In the event Petitioner has shipped the HHGs at his expense he will be reimbursed for the cost of shipping the HHGs for no more than what it would have cost the government to ship the HHGs.

d. 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

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.

20 June 2001


W. DEAN PFEIFFER
Executive Director