



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

LCC:ddj
Docket No: 6662-00
16 October 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 Petitioner is entitled to ship household goods (HHGs) at government expense incident to his transfer to the Temporary Disability Retired List (TDRL), then to the Permanent Disability Retired List (PDRL).

2. The Board, consisting of Messrs, Kastner, McPartlin, and Ms. McCormick, reviewed Petitioner's allegations of error and injustice on 16 October 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. Petitioner was first transferred to the TDRL on 1 April 1992, then to the PDRL on 1 August 1996. Petitioner has been under a doctor's care and receiving continual medical care for the reasons for which he was transferred to TDRL and PDRL. Petitioner felt that this was the best area to receive the medical care he had to have.

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 that since the Petitioner had never taken advantage of his retirement move at government expense and has been under the continual care of a doctor that was the existence of an injustice warranting the following corrective action.

RECOMMENDATION:


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

a. By letter dated 9 March 1993, vice any other date, directed to the appropriate Naval authorities, Petitioner requested an extension of his entitlement to move HHGs at government expense incident to his transfer to the PDRL. By letter dated 23 March 1993 the appropriate Naval authorities approved his request for an extension to ship his HHGs at government expense incident to his transfer to the Retired List. Petitioner continued to receive medical care and each year he continued to submit a request to extend the authority to ship his HHGs at government expense because of ongoing medical problems.. Because of the continual medical care his requests were approved. His authority to ship HHGs at government expense was approved for a total of 9 years and expires on 31 March 2002. Petitioner must ship his HHGs on a final move no later than 31 March 2002.

b. 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.

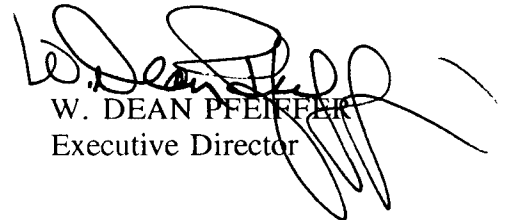
ROBERT D. ZSALMAN
Recorder


G. L. ADAMS
Acting Recorder

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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.

16 October 2001



W. DEAN PFEIFFER
Executive Director