



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

LCC:ddj
Docket No: 245-02
16 May 2002

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) Email, 28 Aug 01, DFAS-KC/FT
(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 he was sent in a temporary duty under instruction status to attend the Infantry Officers Advanced Course vice being sent on a Permanent Change of Station (PCS).

2. The Board, consisting of Messrs. Agresti, Harrison, and Ms. Hare, reviewed Petitioner's allegations of error and injustice on 14 May 2002 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 12 July 1999, CMC (MMOA-1) message 281501Z Jun 99 was modified to show that Petitioner was sent on Temporary Additional Duty (TAD) vice being reassigned on a PCS to Fort Benning, GA to attend the Infantry Officers Advanced Course, for a period of 18 weeks. Government quarters and dining facilities were not available for use during period of TAD.

b. The modification also included instructions that upon completion of the course Petitioner would be reassigned to the Second Marine Division, Camp Lejeune, NC (MCC V12) for duty. Travel of dependents and shipment of household goods from Newport News, VA to Camp Lejeune, NC were authorized. Petitioner was authorized travel to Camp Lejeune, NC via Newport News, VA to make arrangements for shipment of household goods and travel of dependents.

c. Petitioner was authorized the applicable proceed time, travel time and days leave enroute that his records presently show that were taken both for the modification of TAD to attend the course of instruction and for the subsequent PCS to Camp Lejeune, NC. Dates of departure and arrival at TAD and PCS stations, and any dates of applicable leave taken were not changed. All dates of travel and leave taken remain the same.

d. Petitioner continued to be authorized payment of Basic Allowance for Housing (BAH) at the same rate for BAH that he was receiving prior to departing for the course of instruction at Fort Benning, GA.

(NOTE: Petitioner should go to the closest facility which can compute travel vouchers and ask them to compute monies due for the travel and per diem for this action. DFAS-DE/POCC will compute the difference in entitlement to BAH. Petitioner must present to the Agency computing the money due a copy of all previous vouchers pertaining to himself and a copy of all orders pertaining to the course of instruction at Fort Benning, GA and assignment to Camp Lejeune, NC. **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 a copy of all vouchers pertaining to the TAD and PCS to DFAS-DE/POCC, 6760 E. Irving Place, Denver, CO 80279-7100.)

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

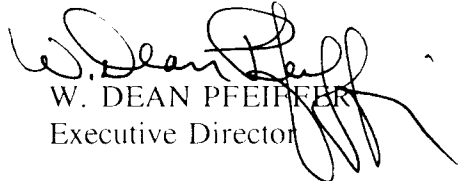
4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings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

16 May 2002


W. DEAN PFEIFFER
Executive Director