



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

LCC:ddj
Docket No: 8672-01
19 March 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) CNO memorandum 7220 Ser N130C3/02U0094 of 6 March 2002
(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 was entitled to per diem for period of Temporary Additional Duty (TAD) to Millington, TN.
2. The Board, consisting of Messrs. Kastner, Pfeiffer, and Ms. Gilbert, reviewed Petitioner's allegations of error and injustice on 19 March 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 17 April 2001 CINCSOUTH, US NAVAL FORCES EUROPE modified INVO 40 to include TAD funds to pay Per Diem for period of TAD.


b. Petitioner was authorized per diem for period of 29 July 2001 through 12 December 2001. Government quarters were available; however, government dining facilities were not available. Petitioner will be paid per diem for the period 29 July 2001 through 12 December 2001 minus any period of time Petitioner was on leave.

(NOTE: Petitioner will go to the closest facility which can compute travel vouchers and ask them to compute monies due for this action. Petitioner must present to the Agency computing the money due a copy of all previous vouchers pertaining to this temporary duty, a copy of the orders directing the temporary duty and a copy of this action. **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 vouchers and orders pertaining to the move to DFAS-DE/POCC, 6760 E. Irvington Place, Denver, CO 80279-7100.)

c. 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.

19 March 2002


W. DEAN PFEIFFER
Executive Director