



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

LCC  
Docket No. 3103-07  
24 Sep 08

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO  
[REDACTED]

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

Encl: (1) DD Form 149 w/attachments  
(2) CMC 1050 MPO memo of 8 Aug 08

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed written application, enclosure (1), with this Board requesting, in effect, that the applicable naval record be corrected to show Petitioner is entitled to Family Separation Allowance (FSA) and per diem for the period 30 January 2005 through 17 January 2007. She is also requesting payment of In and Around expenses, and cleaning/laundry expenses up to \$2.00 per day.

2. The Board, consisting of Messrs. George, Pfeiffer, and Zs Salman reviewed Petitioner's allegations of error and injustice on 22 September 2008 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. Prior to filing enclosure (1) with this Board, Petitioner exhausted all administrative remedies afforded under existing law and regulations within the Department of the Navy.

b. Petitioner was issued mobilization orders for the period 10 January 2005 to 1 October 2005, 265 days, which were modified on 13 January 2005 to direct the Petitioner to report 18 January 2005 to the CO, MOB PROC Center, 3035 Barnett Ave, Quantico, VA 22134 and no later than 30 January 2005 for duty with HQMC OLA, U/RUC: 59252, MCC: 012.

c. The TDY orders were modified on six subsequent occasions to extend the TDY for a total of 730 days to 17 January 2007 and to include appropriate FY funding citations.

d. None of the orders authorized payment of per diem because the original orders listed her address as [REDACTED] vice [REDACTED] [REDACTED] which is where she lived. The erroneous address in [REDACTED] was considered to be within commuting distance and payment of per diem was not authorized.

e. Petitioner occupied lodging in a motel for 9 nights in Fredericksburg, VA area after reporting on 31 January 2005 and prior to 20 February 2005 but she did not have the receipts for the motel and she could not remember the nights she occupied the motel. She tried to get a copy of the receipts from the motel but was unable to do so because they do not keep a copy of receipts that far back.

f. On 20 February 2005 the Petitioner signed a "lease" with her grandmother paying her grandmother \$500.00 per month in rent. Per diem cannot be paid when individuals are residing with relatives even if they are paying rent. The Comptroller General has ruled on several occasions that per diem can not be paid under such circumstances.

g. Petitioner is requesting reimbursement of "in and around expenses" in lieu of reimbursing temporary lodging expense that is not authorized by the Joint Federal Travel Regulations (JFTR). Under temporary duty orders, members are authorized only one round-trip at government expense, incident to the TDY orders, from their home to their duty location at the beginning of their orders and from their duty location to return to their home at the end of the orders.

h. Petitioner is requesting reimbursement of laundry/dry cleaning expenses in the amount of \$1,460.00 for the 730-day period. Up to an average of \$2.00 per day is authorized without receipts. The reimbursable laundry expense is tied to the

actual performance of duties. The Petitioner did not work every day of 730-day period of orders (i.e., it's reasonable she returned home on weekends and at various times took leave). An amount of \$454.00 is reasonable and justifiable.

i. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has recommended partial relief, commenting that, in their opinion, only partial relief is recommended.

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. The Presidential recall orders dated 5 January 2005 ICO of Petitioner were modified to show her residence is [REDACTED] " and the orders were further modified to "authorize per diem" in accordance with the Joint Federal Travel Regulations (JFTR) and "deleted the statement that the Petitioner would commute daily".

b. Petitioner's recall orders were modified on five succeeding occasions, 13 January 2005, 15 June 2005, 19 October 2005, 10 May 2006, 13 September 2006, and 12 October 2006, respectively, and the succeeding recall orders were modified to show her residence was [REDACTED] and the orders were further modified to authorize per diem in accordance with the Joint Federal Travel Regulations (JFTR) and delete the statement that the Petitioner would commute daily.

c. Petitioner was "authorized payment of \$38,994.00", Meals and Incidental Expenses (M&IE) for the period 31 January 2005 through 16 January 2007.

d. No per diem for lodging was authorized because she could not produce any receipts for the period 31 January 2005

through 19 February 2005. She signed a lease with her grandmother effective 20 February 2005 but in accordance with the JFTR, per diem cannot be paid when residing with family or friends.

e. Petitioner was "authorized payment of \$5,974.99", Family Separation Allowance for the period 31 January 2005 through 16 January 2007.


f. Petitioner was "authorized payment of \$454.00", laundry/dry cleaning expenses for the period 31 January 2005 through 16 January 2007.

g. That so much of her request as exceeds the foregoing be denied.

h. A copy of this Report of Proceedings will be filed in Petitioner's naval record.

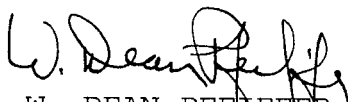
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
WILLIAM J. HESS, III  
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.

24 September 2008

  
W. DEAN PFEIFFER  
Executive Director