



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

LCC
Docket No. 299-09
10 Mar 09

[REDACTED]

Dear [REDACTED]

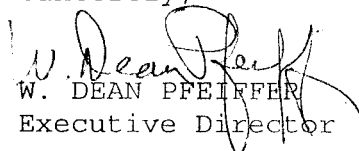
This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 March 2009. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CNO memorandum 7220 Ser N130E2/09U0125, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is also important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,


W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

7220
Ser N130E2/09U0125

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters, (Pers-00XCB)

Subj: REQUEST FOR BCNR ADVISORY OPINION ICO [REDACTED]

Ref: (a) Joint Federal Travel Regulation (JFTR)
Encl: (1) BCNR Case File #299-09

1. Per your request, the following recommendation concerning enclosure (1) is provided.
2. Enclosure (1) indicates that the petitioner was improperly authorized a rental car while assigned to the [REDACTED] area on an Active Duty Training (ADT) Permanent Change of Station order of over 140 days. [REDACTED] asked for and was authorized use of a rental car. However, rental cars cannot be authorized in connection with a PCS move unless they are to be used at an intermediate temporary duty site or when a privately owned vehicle was shipped and it did not arrive by the required delivery date (RDD). This was not the case in either instance.
3. [REDACTED] requests that the ADT PCS order be modified to become a an Active Duty Special Work (ADSW) temporary duty order with the intent that such an order provide authority to reimburse the cost of a rental car while assigned on what would become temporary vice permanent station duty in [REDACTED]
4. N130E2 recommends that the record not be changed as requested. Such a change, if made would still violate the 180 day threshold between ADSW/TDY and ADSW/PCS. His tour of duty was 183 days, the threshold is 180 days. It must be noted that the original order very clearly noted that the nature of the duty was a permanent change of station. Such a change would violate a Comptroller General ruling that PCS orders may not be converted into temporary duty to increase entitlement. Conversion of the order to temporary duty will not only authorize reimbursement of the rental car, but will also create

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unintended authority for payment of per diem during the entire 183 day tour of duty. Such a conversion would be directly conflict with the CG ruling and generate collection action for all PCS entitlements, including BAH at the [REDACTED] rate, and Dislocation Allowance.



e. BOWEN

Travel and Transportation
Allowances Section (N130E2)