



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

LCC
Docket No. 5479-09
14 Jul 09

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 Memo 4050.1L LPD-2 dtd 18 Jun 09
(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 is not indebted for shipping his household goods (HHG) from [REDACTED] to [REDACTED] at government expense.

2. The Board, consisting of Messrs. Exnicios, George, and Pfeiffer, reviewed Petitioner's allegations of error and injustice on 13 July 2009 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 partial 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. Petitioner will be credited with 600 pounds of Professional, Books, Equipment, and Papers (PBE&P).

b. Since the HHGs were in excess of the 11,000 pounds authorized to be shipped at government expense the Traffic Management Office, Camp Lejeune, ordered the shipment to be reweighed. The reweigh of the HHGs was determined to be "14,860" pounds vice "16,080" pounds.

c. By subtracting the 600 pounds of the PBE&P plus packing and using the reweigh of the HHG the chargeable weight of the HHG is corrected to 12,789 pounds, an overage of 1,789 pounds above the authorized weight.


d. That so much of Petitioner's request for corrective action as exceeds the foregoing be denied.

e. Petitioner is indebted for "\$3,423.81" vice "\$6,140.29".

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

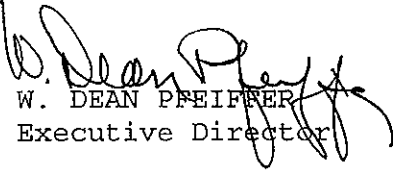
4. It is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


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.

14 July 2009


W. DEAN PFEIFFER
Executive Director