



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

DJC
Docket No. NR8279-13
22 Jul 14

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) HQMC memo 7200 RFF-11 dtd 10 Feb 14
(3) KAYAK's travel itinerary
(4) Travel voucher or subvoucher DD Form 1351-2
(5) Defense Travel System, Accounting detail
(6) CO (13th MEU) ltr dated 10 Oct 13
(7) CG (I MEF) ltr dated 4 Nov 13

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 reimbursement of commercial airfare ticket.

2. The Board, consisting of Mr. Zsalman, Mr. Exnicios, and Mr. Ruskin, reviewed Petitioner's allegations of error and injustice on 21 July 2014 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 2013, Petitioner received official authorization to Temporary Duty (TDY) Travel to Luzon Province, Republic of the Philippines to attend the PHIBLEX 14 final planning conference. See enclosure (6).

c. In 2013, Petitioner purchased airline tickets (round trip) to Luzon Island Clark Field, Philippines via Vayama.com on KAYAK. See enclosure (3).

d. Petitioner departed Oceanside, CA for TDY on 22 July 2013 and arrived to Los Angeles International Airport, CA on 22 July 2013. See enclosure (4).

e. Petitioner departed Los Angeles International Airport, CA on 22 July 2013, and arrived to Incheon International Airport, Seoul, South Korea on 23 July 2013. See enclosure (3).

f. Petitioner departed Incheon International Airport, Seoul, South Korea on 23 July 2013, and arrived to Luzon Island Clark Field, Philippines on 23 July 2013. See enclosure (3).

g. Petitioner departed Luzon Island Clark Field, Philippines on 27 July 2013, and arrived to Incheon International Airport, Seoul, South Korea on 27 July 2013. See enclosure (3).

h. Petitioner departed Incheon International Airport, Seoul, South Korea on 27 July 2013, and arrived to Los Angeles International Airport, CA on 27 July 2013. See enclosure (3).

i. Petitioner departed Los Angeles International Airport, CA on 27 July 2013, and arrived to Oceanside, CA from TDY on 27 July 2013. See enclosure (4).

j. Petitioner submitted his travel claim on 14 August 2013, and was approved by disbursing on 4 September 2013. See enclosure (5).

k. Petitioner received travel settlement payment on 5 September 2013. No reimbursement for commercial airfare ticket was made by the Government. See enclosure (5).

l. Per enclosure (2), the Headquarters United States Marine Corps provided an advisory opinion concluding that the evidence proffered by Petitioner is insufficient to support the requested record change. The advisory opinion points out the following evidence to support its position: in accordance with the Joint Federal Travel Regulations (JFTR), Petitioner was paid correctly on his travel claim when he was not reimbursed for his non-U.S. certified air carrier ticket. The JFTR clearly states that reimbursement of a non-U.S. certified air carrier is not authorized when U.S. certified air carrier tickets are available. Even though Petitioner was told to purchase the ticket by his command, there was a U.S. certified air carrier ticket available for the first leg of travel. Furthermore, to guarantee a seat to the final destination is not a basis to authorize the purchase of non-U.S. certified air carrier ticket.

CONCLUSION

Upon review and consideration of all the evidence of record, and notwithstanding the opinion expressed in enclosure (2), the Board finds the existence of an injustice warranting corrective action. The Board relied heavily on both the Commanding Officer (13th MEW), and Commanding General (I MEF)'s favorable recommendations. See enclosures (6) and (7). The Marines could have waited until they arrived in Korea to purchase their tickets for the final flight leg to their destination; however, they would not have been guaranteed seats to their final destination and might have missed the planning conference. Because of this, the command directed them to cancel the tickets which they had already procured via the CTO in order to assure their arrival for the planning conference. Admittedly, the unit failed to follow correct protocols in accordance with the regulations; however, it is a case of misinformed Marines attempting to accomplish the mission.

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:

a. When Petitioner received TDY/TAD orders to Luzon Province, Republic of the Philippines, a Commercial Transportation Office (CTO) from which to purchase a commercial airfare ticket (round trip) from Los Angeles International Airport, CA to Luzon Island Clark Field, PH was not available. As a result of this change, Petitioner is authorized reimbursement for transportation (ticket price) on a non-U.S. certified air carrier not to exceed the Petitioner's cost (\$1,539.92).

b. Furthermore, Petitioner is entitled to a late payment fee for interest charged to the traveler's credit card based upon the balance of \$1,539.92. Note: this fee is payable, using the Prompt Payment Act interest rate, beginning on the 31st day after the submission of a proper travel claim (which was 14 August 2013) and ending on the date that the payment is disbursed by the government.


c. A copy of this Report of Proceedings will 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



BARBARA A. NAHULAK
Acting Recorder

5. The foregoing action of the Board is submitted for your review and action.


ROBERT D. ZSALMAN
Acting Executive Director

Reviewed and approved 

~~Reviewed and disapproved~~

 8/8/14
ROBERT L. WOODS
Assistant General Counsel
(Manpower and Reserve Affairs)
1000 Navy Pentagon, Rm 4D548
Washington, DC 20350-1000