## LAW REVIEW 916

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## Getting One's Retirement "Home of Selection" or Discharge "End of Tour of Service" Move Extended

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In 2003, I was able to get my 1999 Navy retirement Home of Selection (HOS) orders extended. The HOS rationale and tips, below, also apply to getting your End of Tour of Service (ETS) move extended past one or two years to ship household goods up to the cost of moving to one's home of record (HOR). Retirees making an HOS move are entitled to move anywhere in the United States, even if it is farther than their HOR.

First, take a look at the basic regulation, Joint Federal Travel Regulations (JFTR), Vol. I, Uniformed Service Members, NAVSO P-6034, found online at http://perdiem.hqda.pentagon.mil/perdiem/trvlregs.html. Par. U5012-I, page U5A-3, discusses how to get up to a six-year extension after retirement or discharge, using the secretarial process. For the Navy, the Board of Correction for Military Records (BCMR) is one way to do this, but there are other forms of secretarial processes you can use (see below). Par. U1010-B of the JFTR says each service can issue its own implementing regulations, which includes U5012-I.

The million-dollar question is how each service handles JFTR Par. U5012-I. One way is to go via the BCMR, which in the Navy—at least in my case in 2003—took less than a month to get approved. In addition, there are other offices within each service that have the power to grant extensions of up to six-year maximums, depending on the situation. Depending on why you have not moved, the maximum may even be less than five years. You should not wait to look into this; if you are six years past your retirement and now want to finally move, go ahead and ask anyway. If told no, file a BCMR appeal. You should explain on DD Form 149 why the usual six-year maximum should be waived.

Each service has its own supplement to the JFTR. But first, I recommend that you check the following site: http://afmove.hq.af.mil/pages.asp?infoid=22. Even though it is an Air Force site, it lists contacts for other branches of service. It also gives great advice on how to justify getting your HOS move extended.

Below, I list what each service offers, plus contact numbers to call.

Air Force: 888-252-3296; 800-599-7709, Ext. 4221; or Karl Stanton at 210-321-4221. The Air Force also has its own detailed supplemental instruction, dated April 2002, <a href="http://www.e-publishing.af.mil/shared/media/epubs/JFTRV1-JTRV2\_AFSUP1.pdf">http://www.e-publishing.af.mil/shared/media/epubs/JFTRV1-JTRV2\_AFSUP1.pdf</a>

Army: Jennette McCants at 703-614-1031. According to Ms. McCants, Army retirees should visit the closest Army household goods transportation office, which can usually extend an HOS move locally. See DA Wash DC message R222249Z May 95 and this web link for various Army travel publications: <a href="http://www.army.mil/usapa/epubs/55\_Series\_Collection\_1.html">http://www.army.mil/usapa/epubs/55\_Series\_Collection\_1.html</a>.

Navy: Extensions for travel and transportation entitlements, the ITO/TMO/TOs, have approval authority for Navy personnel. (NAVSUP 490, Par. 6012(6), 6013(4), 6013(5), 6013(6), 6013(7), and COMNAVSUPSYSCOM Wash DC message R050501Z Sept. 95). NAVSUP 490 is online at

http://www.cnrma.navy.mil/cnrma05/CACO/filedetail.pdf. From my prior experience, the Navy will not usually extend past two years of one's retirement and then will require you to use the BCMR process. Ask anyway and document what the local shipment people tell you.

The Navy has the NAVSUP Household Goods Helpline in Norfolk, Va., to assist with entitlement questions. The number is 800-444-7789. Other numbers to call are 717-605-5862/5858.

Marine Corps: Extensions have been delegated to the ITO/TMO/TOs for the first request. The second request must be mailed to one of the two following addresses:

Comptroller, Transportation Vouchers Certification Branch, Attn: (A Code 470), 814 Radford Blvd., Ste. 20318, Albany GA 31704-031. Telephone: DSN: 567-5675, Comm: 912-639-5675, FAX: DSN: 567-5749, FAX: Comm: 921-639-5749.

Commandant of the Marine Corps (LFT-34), Headquarters, U. S. Marine Corps, 2 Navy Annex, Room 1127, Washington DC 20380-1775. Telephone: DSN: 225-7762/7765, Comm: Willie County at 703-695-7762/7765. FAX: DSN: 225-8160, FAX: Comm: 703-695-8160.

Marine Corps Personal Property Transportation Manual (MCO P4600.39), Chapter 7, Par. 7104 and 7204-7205, and CMS Wash DC message R281615Z May 98. MCO P4600.39 are available online at: http://www.usmc.mil/news/publications/Documents/MCO%20P4600.39.pdf.

Coast Guard: Ms. Corbitt at 202-267-1738 or Mike Snyder at 202-267-1834. See COMDTINST 4600.17, http://www.uscg.mil/directives/cim/4000-4999/CIM\_4600\_17.pdf.

In following the above processes, document everything—who, what, when, where, how, and why—in writing your e-mails and letters. If you are making a contact by phone, write a memo summarizing what was discussed. This is crucial, since you may have to document up the chain of command what occurred previously to get a decision within your service's transportation system. It also becomes important if you fail.

What if all of the above fails and everyone in your service's transportation chain of command has told you no and they will not reconsider? You have two options remaining: the Board of Corrections and your Senators and Congressman. I will deal with the former. It is unknown whether BCMR can take you past the six-year point, but it never hurts to ask, particularly if you have a good story to justify why you delayed.

Here is the link to the BCMR DD 149 appeals form (it is the same for all services): <a href="http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd0149.pdf">http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd0149.pdf</a>

In your BCMR appeal, document all the events that have occurred to the date of your appeal. For how to file a BCMR appeal, follow the advice found on the web links below. Briefly, give logical or emotional reasons why you did not move sooner and why you did not seek an extension sooner. Many people think that after one year, it is based on what they are told when out-processing.

Use a continuation page if the form's block is too small. On that page, note what your writing refers to, e.g., "Continuation of Item 8." You should also clearly list the enclosures you are providing, such as your DD 214, orders, and any prior memos or correspondence regarding your HOS move. Put your name at the top of each page.

Go to the closest military legal assistance office for help with your BCMR. Check out the local Reserve or Guard Center to see if any of the drilling JAGC officers can assist you. If you are retired military, you are eligible for free legal assistance from any branch of service. A private attorney or a representative from a service organization such as the VFW is always another option.

At a minimum, ask a trusted person not familiar with your case to read your BCMR petition to see if it makes sense. Often you are too familiar with your own case and forget that not everyone knows what you know.

Here are some useful BCMR information links:

http://www.google.com/search?hl=en&lr=&q=%22Board+of+Correction%22+%22military%22&btnG=Search.

www.hq.navy.mil/bcnr/bcnr.htm.

http://search.msn.com/results.aspx?srch=105&FORM=AS5&q=bcnr.

Lastly, even if you moved at your own expense because you had waited more than a year, you can still use the above processes to seek reimbursement. You will need to explain that you thought you were no longer eligible to move under your retirement orders. Also, provide copies of your orders and proof that you moved, such as bills of lading from movers, carrier inventory, rental truck receipts, weight receipts, hotel receipts, mileage driven, etc. For a do-it-yourself move, submit a signed affidavit verifying the size of your shipment. You might even want to submit the moving information from your last permanent change of station and confirm that the latest move was about the same amount.

When following these steps, do not take the first no, or even the third or fourth no, as final. Always ask why, as it could be that you did not provide sufficient information and you might be able to get reconsideration. There is usually always someone else you can appeal to, at least after the first few rejections, before going to BCMR.

I would be interested in hearing about anyone else's experiences in this area, good or bad. I can be contacted at 3810 Cobblestone Ct, Alexandria VA 22306-1309; 703-765-2275 at home; 202-260-1807 at work; or at wayneljohnson@hotmail.com.