



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

LCC:ddj
Docket No: 5929-02
24 September 2002

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 September 2002. 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 N130C3/02U0475 of 5 September 2002, 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 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 IN REPLY REFER TO
Ser N130C3/ 02U0475
5 Sep 2002

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTIONS
OF NAVAL RECORDS

Via: Assistant for BCNR Matters, Pers-00XCB

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO


Ref: (a) DODFMR Volume 7A, Chapter 26, Feb 00
(b) SECNAVINST 7220.82

Encl: (1) BCNR Case File #04468-02 w/Microfiche Service
Record

1. Per your request, the following recommendation concerning enclosure (1) is provided.
2. Enclosure (1) indicates a request to draw Basic Allowance for Housing (BAH) at the w/dependent rate for Fullerton, CA (dependent location) vice Camp Pendleton, CA (new duty station).
3. IAW reference (a) BAH entitlement is based on the members Permanent Duty Station (PDS). IAW reference (b) provides guidelines for different situation for making determinations to pay BAH based on the dependents location. The reasons listed by the petitioner do not meet the criteria delineated in reference (b). IAW reference (b), payment of BAH at dependent location is authorized when the need for separate residences is caused by military necessity. A review of the petitioner's Master Military Pay Account (MMPA) revealed that he reported PCS to First Marine Division, Camp Pendleton, CA which is his permanent duty station BAH entitlements.
4. N130C recommends disapproval of the petitioner's request to draw BAH at dependents location (Fullerton, CA).


Assistant Head, Pay and
Allowances Section (N130C)