



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

LCC
Docket No. 4911-10
23 Mar 11

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) CNO 7220 Ser N130C/10U0821 of 12 Nov 10
(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 Petitioner is entitled Basic Allowance for Housing (BAH) at dependent's location in Atlanta, GA, reimbursement for meal deductions, entitlement to Family Separation Housing (FSH-0), and payment of Dislocation Allowance (DLA).

2. The Board, consisting of Messrs. George, Pfeiffer, and Zsalman, reviewed Petitioner's allegations of error and injustice on 18 January 2011 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. The Board members considered the request for a personal appearance; however, they found that the issues in the case were adequately documented and that a personal appearance would not materially add to the Board's understanding of the issues involved. Thus, the request for a personal appearance has been denied.

c. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

d. Per DOD FMR Volume 7A, paragraph 250105, an enlisted member being paid Basic Allowance for Subsistence (BAS) must pay for all meals or rations received from a Government mess or provided on behalf

of the Government. BAS must be collected during period Petitioner resided in single type Government quarters.

e. Since dependents did not travel with the Petitioner and Government quarters were not assigned to the Petitioner DLA was not authorized for the Petitioner.

f. In correspondence attached as enclosure (2), the office having cognizance over the BAH and FSH subject matter addressed in Petitioner's application has commented to the effect that the request has merit.

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 is authorized BAH at the with dependent rate for designated location of dependents for the period 22 July 2009 through 22 March 2010. Address for dependents is [REDACTED]

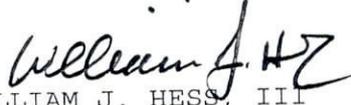
b. Petitioner is authorized FSH-O effective 19 February 2010, the date Petitioner vacated Government quarters.

c. That so much of Petitioner's request as exceeds the foregoing be denied for the reasons stated in enclosure 2.

d. 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 complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder

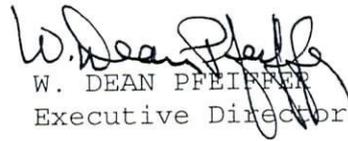

WILLIAM J. HESS, III
Acting Recorder

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

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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.

23 March 2011


W. DEAN PFEIFFER
Executive Director