



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

LCC  
Doc No. 7669-10  
11 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) Close Proximity Move Policy  
(3) Email [REDACTED], PERS 4 of 10 Aug 2010  
(4) CNO memo 7220 Ser N130C/10U07786 of 5 Nov 10  
(5) CO's letter 7220 Ser 00/032 of 23 Feb 2010

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 that Petitioner is entitled to Basic Allowance for Housing (BAH) for his prior duty station (PDS) based on a close proximity permanent change of station (PCS) move.

2. The Board, consisting of Messrs. George, Pfeiffer, and Zsalman, reviewed Petitioner's allegations of error and injustice on 22 February 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. Petitioner received PCS orders in July 2009 reassigning him from HS 4, North Island, CA to Assault Craft Unit 5 Shore COM, Camp Pendleton, CA, approximately 35 miles away. The

orders required Petitioner to detach his old duty station in October 2009. The orders included funding authorization for a household goods (HHG) move.

c. Under the "close proximity move policy," members being reassigned from a duty station with a high BAH rate to a duty station with a lower BAH rate may request and, if otherwise qualified, receive BAH based on the previous PDS. To qualify, the member must maintain an established residence, commute daily to their new PDS, and have the approval of their new PDS. Additionally, members must request that the HHG authorization be removed from their orders prior to executing the orders. See enclosure (2).

d. In this case, Petitioner contacted his detailer prior to executing his PCS orders and requested the orders be modified to "no cost" orders. The detailer did not understand that Petitioner was seeking to have the HHG authorization be removed so that he would be able to receive BAH based on the previous PDS. Once Petitioner executed his orders, it was too late for the detailer to remove the HHG authorization from the orders. See enclosure (3).

e. Petitioner has now submitted a request to the Board seeking to remove the HHG authorization from his orders so that he can be entitled to BAH based on his prior PDS.

f. In correspondence attached as enclosure (4), the office having cognizance over the subject matter addressed in Petitioner's application has recommended the request be denied. CNO 130 has commented that Petitioner should have ensured the HHG authorization was removed before he transferred and that there is no authority to change an order after it has been executed.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, notwithstanding the comments contained in enclosure (4), the Board concludes that Petitioner's request warrants favorable action. The Board noted that the old PDS and new PDS are in close proximity to each other. Petitioner commutes daily. Petitioner has the support of his commanding officer. Moreover, the Board found that Petitioner tried to have the HHG authorization removed from the orders prior to executing them. Based on all the circumstances, in the Board's view, Petitioner should be granted the most favorable consideration possible and his record should be changed to qualify him for BAH at the prior PDS.

RECOMMENDATION:

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

a. On 21 July 2009 COMNAVPERSCOM modified the Permanent Change of Station (PCS) orders reassigning Petitioner from HS 4 HOMEPORT North Island, CA to Assault Craft Unit 5 Shore COM Camp Pendleton, CA to "delete the PCS funding citation". Petitioner was reassigned within the same geographical area and was not entitled to travel of dependents or to move household goods at government expense.

b. Petitioner was authorized BAH and station allowances for his prior duty station HS 4, North Island, CA. The address of the former Unit was HS 4, Naval Air Station North Island, CA 92135.

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

  
WILLIAM J. HESS, III  
Acting Recorder

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

  
W. DEAN PFEIFFER  
Executive Director

Reviewed and Approved  
 3/17/11  
ROBERT L. WOODS  
Assistant General Counsel  
(Manpower and Reserve Affairs)  
1000 Navy Pentagon, Rm 4D548  
Washington, DC 20350-1000