



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

LCC
Doc No. 8498-10
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 string between Petitioner and detailer of
12 July 2010
(4) CNO memo 7220 Ser N130C/10U0787 of 5 Nov 10
(5) CO NWS Yorktown ltr 7220 Ser 00/070 of 12 May 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 her prior duty station (PDS) based on a close proximity permanent change of station (PCS) move.

2. The Board, consisting of Messrs. George, Pfeiffer, and Zs Salman, 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 reassigning her from Transient Personnel Unit Norfolk VA to Weapons Station Yorktown,

VA reporting 29 June 2010. 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 her detailer prior to departing Norfolk, VA to insure that her Permanent Change of Station (PCS) orders did not contain a HHG funding citation so that she would be able to receive BAH based on the previous PDS. The detailer erroneously advised her that the BAH for Yorktown and Norfolk, VA were the same rate. Once Petitioner executed her 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 her orders so that she can be entitled to BAH based on her 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 she 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 her 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 her record should be changed to qualify her for BAH at the prior PDS.

RECOMMENDATION:

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

a. On 23 June 2010 COMNAVPERSCOM modified the Permanent Change of Station (PCS) orders that reassigned Petitioner from Transient Personnel Unit Norfolk VA to Weapons Station Yorktown, VA to "delete the HHG funding citation". Petitioner was reassigned within the same geographical area and was not authorized travel of dependents or shipment of household goods at government expense.

b. Petitioner was authorized BAH for the prior duty station which was the USS George H W Bush CVN 77, Norfolk, VA. The address of the prior duty station was the USS George H W Bush (CVN 77) 9079 Hampton Blvd, Norfolk, VA 23505

c. A copy of this Report of Proceedings will be filed in Petitioner's naval record.

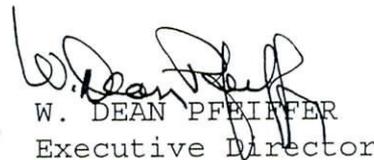
4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.



WILLIAM J. HESS, III
Acting Recorder

ROBERT D. ZSALMAN
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

REC'D MAR 18 2011