



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

HCG
Docket No. NR3222-14
14 Nov 14

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) OCNO memo 7220 Ser N130C/14U1252 dtd 24 Sep 14
(3) Permanent Change of Station Orders (0822) dtd 22 Mar 12
(4) Family Entry Approval message dtd 28 Sep 12
(5) CO (Destroyer Squadron fifteen) letter 1300 Ser 00/003 dtd
8 Jan 13
(6) Naval Personnel Comand message dtd 18 Jan 13
(7) Dependency Application/Record of Emergency data dtd
8 Jan 12
(8) Personnel Online Listing (POLL) dtd 13 Nov 14
(9) Defense Joint Military Pay System (DJMS) dtd 13 Nov 14
(10) Permanent Change of Station Orders modification dtd
25 Sep 12

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 reflect authorization to pay Basic Allowance for Housing (BAH).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 30 October 2014 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. On 22 March 2012, Petitioner received Permanent Duty Station (PCS) Orders (BUPERS Order 0822) to [REDACTED] for duty to serve an accompanied tour with a report date of [REDACTED] See enclosure (3).

c. On [REDACTED] Petitioner received modification to his Permanent Duty Station (PCS) Orders to [REDACTED] to serve an accompanied tour with a report date of [REDACTED]. See enclosure (10).

d. Petitioner departed T-AKE, [REDACTED] for Temporary Additional Duty (TAD) en route, and arrived to SSU, [REDACTED]. See enclosures (8) and (10).

e. Petitioner departed [REDACTED] for Temporary Additional Duty (TAD) en route and arrived to [REDACTED]. See enclosures (8) and (10).

f. Petitioner departed [REDACTED] on Permanent Duty Station (PCS) Orders (BUPERS Order 0822) to [REDACTED]. See enclosures (8) and (10).

g. Approximately 1 week prior to Petitioner's departure date from [REDACTED] when trying to obtain his issued government tickets, Petitioner was informed by the Travel Office that tickets for his dependents could not be issued due to the fact that they did not have Government No Fee Passports, only Tourist Passports. Petitioner's dependent spouse did not have her birth certificate, which was required to obtain a No Fee Passport, due to it being with the Household Goods (HHG) shipment that already been initiated. Petitioner's spouse filed for the dependent son's passport; once her birth certificate was requested and received, spouse filed for her own passport. See enclosure (7).

h. Petitioner arrived to [REDACTED] for duty. See enclosure (8).

i. At this time, BAH was stopped and Petitioner was assigned to unaccompanied barracks. Dependents remained in [REDACTED]. Petitioner submitted a request to receive BAH for dependents at the [REDACTED] (MHA) rate while awaiting passports. See enclosure (5).

j. On [REDACTED] BAH request was subsequently denied by Commander, Naval Personnel Command. See enclosure (6).

k. On [REDACTED] Petitioner's dependents arrived in [REDACTED]. See enclosure (9).

l. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants a partially favorable action. The advisory opinion states that the reason the Petitioner is requesting BAH (not in possession of No Fee Passports for dependents) is not covered under the normal

circumstances in which a Service may authorize BAH in the Joint Federal Travel Regulation (JFTR). The regulation states that the delay must be a result of military orders or government action or inaction and no fault of the member or the dependent.

However, a partially favorable action was given due to the fact that the Petitioner has a school age child and TAD en route (both acceptable reasons to authorize BAH for delayed travel) and has recommended paying BAH through the end of the fall semester [REDACTED]

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 corrective action. The Board gave great consideration to the fact that the Petitioner was released from the PSD without having Government No Fee Passports in his possession and finds fault in the PSD for not providing the Petitioner with the accurate information he needed to complete a smooth transition with his PCS.

RECOMMENDATION:

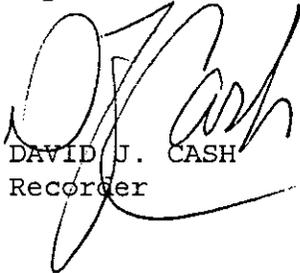
That Petitioner's naval record be corrected, where appropriate, to show that:

a. The Petitioner's Permanent Change of Station (PCS) Orders (BUPERS 0822 dtd 25 Sep 2012) are to reflect that DELAYED TRAVEL of dependents is authorized.

b. BAH is authorized for the (MHA) rate of the old (PDS) of San Diego, CA 92106 from 25 November 2012 - 22 February 2013. Note: this BAH covers the time from when the Petitioner arrived in Japan until the date prior to his dependents arrival in Japan.

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.


DAVID J. CASH
Recorder

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



ROBERT J. O'NEILL
Executive Director

Reviewed and approved.

~~Reviewed and disapproved.~~



1/7/15

