



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

DJC
Docket No. NR3756-14
19 Feb 15

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 dtd 20 Jan 15
(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 adjust entitlement to Overseas Housing Allowance (OHA) and Cost of Living Allowance (COLA).
2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 18 February 2015 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. 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 favorable action.

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 partial corrective action.

RECOMMENDATION:

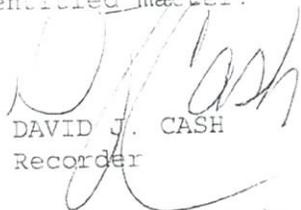
That Petitioner's naval record be corrected, where appropriate, to show that:

a. Petitioner is authorized Overseas Housing Allowance (OHA) from 22 April 2013 to 22 October 2013. On or about 22 April 2013, Petitioner executed an Individual Overseas Housing Allowance (OHA) Report (DD Form 2367), with a lease agreement for [REDACTED]. Note: Petitioner was stationed on the [REDACTED] homeport [REDACTED]. On 14 December 2012, Petitioner married [REDACTED]. On 2 November 2013, Petitioner transferred to the [REDACTED]; homeport [REDACTED].

b. That part of the Petitioner's request for corrective action that exceeds the foregoing is denied. Cost of Living Allowance (COLA) is authorized based on the member of command-sponsored dependents at member's permanent duty station (PDS). A command sponsored dependent is a dependent residing with a member at an overseas location at which an accompanied-by-dependents tour is authorized, the member is authorized to serve that tour, and who is authorized by the appropriate authority to be at the member's PDS. The Petitioner's dependent did not reside at the member's PDS and the Petitioner was serving a one-year dependent-restricted tour.

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


DAVID J. CASH
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 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.

19 Feb 15


ROBERT J. O'NEILL
Executive Director