



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

[REDACTED]
Docket No. 3815-16

MAR 13 2017

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO
FORMER MEMBER [REDACTED] USN, [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) OCNO memo 7220 Ser N130C2/16U1308 dtd 6 Oct 16
(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 authorize an entitlement to Basic Allowance for Housing (BAH).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 23 January 2017 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.

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FORMER MEMBER [REDACTED] USN, [REDACTED]

RECOMMENDATION:

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

a. Petitioner's effective date of divorce was 6 October 2012 vice 17 July 2012. Note: Petitioner's effective date of divorce was erroneously entered as the date the divorce was filed in court.

b. Petitioner was authorized BAH at the with dependent rate for the Military Housing Area (MHA) [REDACTED] from 17 July 2012 through 6 October 2012.

c. Petitioner was authorized BAH at the single rate for the MHA [REDACTED] from 2 February 2013 through 3 March 2013. Note: Petitioner had checked out of his permanent duty station and was on transitional leave.

d. Note: The part of the Petitioner's request that exceeds the forgoing is denied. The Petitioner requested to receive single rate BAH from the date of his divorce through his separation date. However, the required documentation to support that he was authorized to reside off post from his Commanding Officer (CO) and the Unaccompanied Housing (UH) Manager was not provided.

e. 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.

[REDACTED]
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.

[REDACTED]
Executive Director