



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

Docket No. 8026-16
MAY 22 2017

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

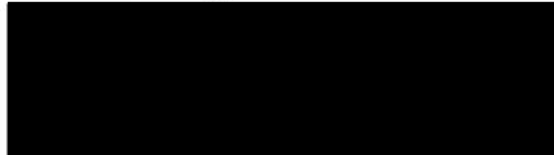
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 April 2017. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. The advisory opinions provided by HQMC memo 5420 MMEA dated 9 November 2016 and HQMC memo 7200 RFF dated 7 February 2017, were sent to you on 3 March 2017 for an opportunity to comment prior to being considered by the Board. Copies of these advisory opinions are again enclosed. Additionally, the Board considered your response to the advisory opinions dated 16 March 2017.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Regarding your request for separation pay, as the advisory opinion states, a member is not entitled to separation pay when the separation is at the end of the initial period of obligation. As you fulfilled your active duty commitment, from 14 January 2008 to 13 January 2012, and there is no record that you submitted a request for retention and were denied, separation pay is not authorized. Furthermore, you have failed to substantiate your request for with dependent rate Basic Allowance for Housing (BAH). The Joint Travel Regulation (JTR) paragraph 10008 B.1 specifically states that as a single member, assigned to single type government quarters, your only entitlement to a housing allowance for your dependent son would be BAH-Diff. However, you have failed to substantiate that you provided support for your dependent throughout the documentation submitted to this Board, including in response to the DFAS letter dated 13 July 2016 which states that requests for proof of support were unanswered. Per JTR 10106 E., "If the support requirements are not established by court order or legal separation agreement, a member must provide a support amount that is not less than the BAH-DIFF rate applicable to the member's grade". As you have not provided substantiating

information/documentation to this Board that you provided support to your dependent during any time period since his birth and up to your discharge from active duty, the Board cannot favorably adjudicate your claim. Accordingly, your application has been denied. However, the Board encourages you to petition this Board again if you can provide documentation to prove that you provided adequate monthly support, at least in the amount of the BAH-Diff entitlement, for your dependent son from the time that he was born until your separation from active duty. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,



Executive Director

