



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

█  
Docket No. 172-20  
Ref: Signature Date

█  
█  
█  
Dear █

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted was insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 29 October 2020. The names and votes of the members of the panel will be furnished upon request. 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, relevant portions of your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion contained in Office of the Chief of Naval Operations memorandum 7431 Ser N130C2/20U0398 of 18 March 2020 and your response to the opinion.

On 12 October 2016, you and your dependent arrived to █. On 15 December 2016, your dependent departed █ and returned back to CONUS and Cost of Living Allowance (COLA) with one dependent stopped. On 5 January 2017, Final inspection from █ Housing took place. On 29 August 2017, you requested for early return of dependent, and on 18 September 2017, Commander, Navy Personnel Command disapproved your request. On 16 January 2018, you began receiving Overseas Housing Allowance (OHA) and stopped receiving OHA on 13 May 2019. On 1 October 2019, you transferred from your duty station. On 28 October 2019, you arrived to █ for duty.

You requested BAH (Basic Allowance for Housing) entitlement be restored and/or recovered from date of intent to vacate on 7 December 2016; the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that your reasons for requesting early return of your dependent do not meet the criteria set forth in the DoDI 1315.18. Furthermore, "if the Service member's situation does not meet these criteria, the request will not be approved. The early return of

dependents under this issuance will be approved judiciously, and it will be understood clearly by all involved that early return is a last resort.” In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

12/14/2020

[REDACTED]

Deputy Director

Signed by: [REDACTED]