



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

█  
Docket No. 8165-20  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █ USN,  
XXX-XX-█

Ref: (a) Title 10 U.S.C. § 1552  
(b) JFTR (2013)

Encl: (1) DD Form 149 w/attachments  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to establish Petitioner's authorization for Basic Allowance for Housing Differential (BAH DIFF) effective date of entry into active duty effective 20 August 2013.

2. The Board, consisting of █ and █ reviewed Petitioner's allegations of error and injustice on 24 June 2021 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, relevant portions of Petitioner's naval record, 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, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 11 May 2011 Petitioner's child was born in █ Petitioner contends when his child was born he did not sign the birth certificate because the birth certificate stated that he was a █ citizen. During this time Petitioner was a dual citizenship of the █ and the United States. It was the Petitioner's understanding that by signing the birth certificate as a █ citizen would cause his United States citizenship claim issues for his child in the future. Petitioner asserts his United States passport was issued on 12 May 1988 and expired 11 May 1993, and he did not have a valid United States passport until 16 October 2012. Based on his expired passport at the time of his daughter's birth, the █ government could not place the United States citizenship in the citizenship block on his child's birth certificate.

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b. On 20 August 2013 Petitioner entered active duty in the Navy. Petitioner's DD Form 1966 reflects number of dependents "0". Petitioner contends prior to joining the Navy he informed the recruiter that he had a daughter but it was disregarded due to his child not having a social security number, not being a United States citizen, and due to not having a birth certificate with Petitioner's signature.

c. On 21 March 2014 Petitioner joins his first permanent duty station (PDS), Naval Hospital, [REDACTED]. Petitioner contends that he notified his chain of command of the dependent situation, however was given no guidance on the necessary actions for correction. He asserts on 19 December 2014 he went to the [REDACTED] and signed the birth certificate. The birth certificate in his case file bears a signature and is dated 19 December 2014 and signed by the [REDACTED] Office of Civil Registrar General on 5 January 2015.

d. On 10 February 2020 Petitioner dependent daughter born on 11 May 2011 is added to his NSIPS/ESR 1070/602. On 24 February 2020 his MMPA reflects BAH at the single rate changed to with dependent rate PDS zip [REDACTED] effective 19 December 2019.

e. Petitioner provides the BCNR with a notarized statement of support signed on 8 June 2021. This statement of support indicates adequate support provided since birth of dependent daughter. Petitioner also provides notarized statement of support from mother of dependent child signed 15 June 2021 continuous support since birth of dependent child. Petitioner has document evidence of bank statements as early as March-April 2014 and Western Union type transactions dating back to February 2016.

## 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 corrective action. The Board determined that per reference (b) proof of a lawful legitimate child is generally not required. Based on mother's notarized statement there is no evidence of non-support since birth of child. The Board concluded with no court order or legal agreement the Petitioner met the support requirements applicable for each grade held in order to receive BAH-DIFF since the date of entering active duty.

## RECOMMENDATION

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

Petitioner entered active duty with dependent child and authorized Basic Allowance for Housing Differential (BAH-DIFF) effective 20 August 2013.

A copy of this Report of Proceedings will be filed in Petitioner's naval record.

The Defense Finance and Accounting Service, DFAS-IN/COR/Claims will conduct an audit of Petitioner's pay account and pay all monies lawfully found to be due as a result of the above correction to Petitioner's naval record.

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4. It is certified that a 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.

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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

[REDACTED] 7/19/2021

[REDACTED]  
Deputy Director

Signed by: [REDACTED]