



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

[REDACTED]
Docket No. 8341-20
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) The Joint Travel Regulations (JTR) (2017)
(c) JBPHHINST 11100.2A of 22 Jan 19

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 her naval record be corrected to show Petitioner was eligible for and received Dislocation Allowance (DLA) for Permanent Change of Station (PCS) conducted in 2017. Petitioner's entitlements be properly adjusted due to marital status.

2. The Board, consisting of [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 9 November 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, 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. On 17 June 2013 Petitioner entered active duty.

c. On 21 October 2016 Petitioner was issued official change duty orders (BUPERS order: 2956) with a required obligated service of January 2020, while stationed in [REDACTED] with an effective date of departure of January 2017. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 21 July 2017.

d. On 16 December 2016 Petitioner was advanced to Petty Officer Second Class/E-5.

e. In accordance with reference (b), a member without a dependent(s) is authorized DLA when relocated in connection with a Permanent Change of Station to a Permanent Duty Station where Government Quarters are not Assigned.

f. On 24 March 2017 Petitioner was issued official modification to change duty orders (BUPERS order: 2956), while stationed in [REDACTED] with an effective date of departure of January

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[REDACTED]

2017. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 15 May 2017.

g. On 16 January 2017 Petitioner transferred from [REDACTED]

h. On 4 May 2017 Travel Voucher Summary (DO Voucher No. [REDACTED]) was issued and paid for the period of 1 January 2017 to 12 May 2017. Advances/Prior Payments: \$24,004.06. Due US: \$5,902.45. Missing rental car receipt, BEQ endorsement required for single DLA reimbursement.

i. On 12 May 2017 Petitioner arrived to [REDACTED] for duty. Furthermore, Petitioner signed a Special Request/Authorization requesting to receive BAH effective 12 May 2017, and was approved by cognizant authority on 30 May 2017.

j. On 16 May 2017 Petitioner signed a [REDACTED] BAH Request Form, and was approved by cognizant authority on 30 May 2017.

k. On 10 June 2017 BAH at the without-dependent rate for [REDACTED] [REDACTED] was started effective 12 May 2017.

l. On 16 June 2017 Petitioner was issued a non-availability lodging form from Navy Lodge [REDACTED] for the period of 11 May 2017 for 60 nights.

m. In accordance with reference (c), [REDACTED] Instruction states that Navy unaccompanied personnel on sea duty E-1 through E-3 and all E-4 with less than four years of service, are not authorized BAH per OPNAVINST 7220.12 and JTR. Furthermore, all E-6 and above and paid E-5 unaccompanied personnel must report to the Navy Housing Services Center within 72 hours upon arriving on island to receive housing referral services to assist with available community housing options.

n. On 1 February 2019 Petitioner was married.

o. On 1 February 2019 Commanding Officer, Mobile Diving and Salvage Unit One notified Director, Family Housing Department, [REDACTED] that Petitioner had an authorized command sponsored family member.

p. On 16 May 2019 Petitioner was honorably released from active duty and transferred to the Navy Reserve. BAH at the without-dependent rate for [REDACTED] stopped.

q. On 8 September BCNR was notified via email from [REDACTED] Unaccompanied Housing LCPO that Petitioner arrived on island as an E-5 and never checked into the barracks.

r. On 27 September 2019 Administrative Officer, Mobile Diving and Salvage Unit One notified BCNR that upon looking through the case an entitlements from PCS transfer is still due, and TPC [REDACTED] clerks that were handling the claim on various dates as noted in the supporting documents attached. When Administrative Officer inquired about the status of the claim, he was informed that the claim was processed. Upon further inquiry, TPC stated that it was processed and was instructed that if he felt that Petitioner did not receive all the entitlements he would need to submit a supplemental claim. When trying to submit a supplemental claim he was informed that the claim was complete with no further action. Petitioner's documents will show the claim has not been completely liquidated.

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[REDACTED]

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of references (b) and (c), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that Petitioner was not required to obtain any documents from unaccompanied Housing to start BAH entitlements and Petitioner was in receipt of BAH effective the date of arrival, however, Petitioner's Travel Voucher Summary (DO Voucher No. [REDACTED]) stated that Petitioner needed a BEQ endorsement for single DLA reimbursement. Petitioner subsequently obtained a non-availability lodging form confirming there was no lodging available. The Board concluded Petitioner is authorized DLA in connection with Petitioner's travel conducted while executing BUPERS order: 2956. Furthermore, the Board concluded that Petitioner is authorized to receive BAH at the with-dependent rate vice BAH at the without-dependent rate effective the date of marriage.

RECOMMENDATION

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

When Travel Voucher Summary (DO Voucher No. [REDACTED]) was issued and paid for the period of 1 January 2017 to 12 May 2017. BEQ endorsement was included for single DLA reimbursement. Note: Petitioner is required to resubmit travel settlement pertaining to DLA.

Petitioner received BAH at the with-dependent rate for [REDACTED] effective 1 February 2019.

Note: Defense Finance and Accounting Service (DFAS) will complete an audit of Petitioner's records to determine if Petitioner is due any back pay and allowances.

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

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.

12/5/2021

[REDACTED]
Deputy Director
[REDACTED]