



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

█
Docket No: 160-21
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) 10 U.S.C. §1552
(b) NAVADMIN 101/10 of 19 Mar 10

Encl: (1) DD Form 149 w/ attachments
(2) COMNAVSUPSYSCOM email of 19 Jan 21
(3) Master Military Pay Account printout
(4) History of Assignments printout
(5) Member Data Summary printout
(6) BUPERS order: 1190 of 28 Apr 20
(7) DD Form 93 of 20 Oct 20
(8) OCNO ltr 7431 Ser N130C/20U1775 of 24 Nov 20
(9) █ ltr 7220 Ser █/014 of 22 Jan 21

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's BUPERS Order 1190 was modified to remove the line of accounting (LOA), that a close proximity move request was submitted and approved by cognizant authority prior to execution of orders, and to retain basic allowance for housing (BAH) at the prior permanent duty station (PDS).

2. The Board, consisting of █ and █ reviewed Petitioner's allegations of error and injustice on 15 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 her naval service 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 accordance with reference (b), NAVADMIN clarifies eligibility and procedures for execution of a close proximity move.

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- c. On 2 April 2014 Petitioner performed her last HHG move from [REDACTED] to [REDACTED]. See enclosure (2).
- d. On 13 March 2017 Petitioner transferred from [REDACTED]. Petitioner continue to receive BAH at the with-dependent rate for [REDACTED] until 11 October 2020. Petitioner was in a temporary duty status from 13 March 2017 to 15 September 2020. See enclosures (3) and (4).
- e. On 16 August 2017 Petitioner was advanced to Chief Petty Officer/E-7. See enclosure (5).
- f. On 28 April 2020 Petitioner was issued official change duty orders (BUPERS order: 1190), with a required obligated service to November 2024. Furthermore, Petitioner was directed to an ultimate activity for duty at [REDACTED]. See enclosure (6).
- g. On 12 October 2020 Petitioner arrived to [REDACTED] for duty. See enclosure (4).
- h. On 20 October 2020 Petitioner signed a DD Form 93 (Record of Emergency Data) listing both her children residing at [REDACTED]. See enclosure (7).
- i. On 28 October 2020 Petitioner began to receive BAH at the with-dependent rate for [REDACTED] effective 12 October 2020. See enclosure (3).
- j. On 24 November 2020 the Head of Pay and Allowances Section (N130C) notified Transaction Service Center, Norfolk that In response to reference (a), and in accordance with reference (b), paragraph 16100 1 -D. the members listed in enclosure (1) are authorized a basic allowance for housing based on their previous permanent duty station (PDS) retroactive to their report date to [REDACTED].

The Commanding Officer of [REDACTED] has verified that the Service members listed in enclosure (1) did not have HHG LOA on their Permanent Change of Station (PCS) orders, did not execute a HHG move, maintained a continuous residence in the vicinity of their previous PDS prior to issuance of his/her PCS orders, and commute a reasonable distance from their residence to their current PDS, [REDACTED]. See enclosure (8).
- k. On 22 January 2021 the Commanding Officer, [REDACTED] recommends that Petitioner receive BAH based on her previous PDS retroactive to her report date to [REDACTED]. See enclosure (9).

MAJORITY CONCLUSION

Upon review and consideration of all the evidence of record, the board majority found the existence of an error and injustice warranting relief. The board majority relied heavily on enclosure (2), stating that Petitioner had not submitted for an HHG move and enclosure (9), stating that Petitioner did not execute a HHG move, maintains a continuous residence in the vicinity of her previous PDS prior to issuance of PCS orders, and commutes from residence to current PDS.

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MAJORITY RECOMMENDATION

In view of the above, the board majority directs the following corrective action:

Petitioner submitted a request prior to executing orders for a close proximity move and it was approved by cognizant authority.

Petitioner was authorized BAH at the with-dependent rate for [REDACTED] from 12 October 2020 to present. Note: If Petitioner moved from her residence during this period, she will no longer be authorized BAH at the old PDS. The Defense Finance & Accounting Service will complete an audit of Petitioner's records to determine if Petitioner is due any back pay and allowances.

MINORITY CONCLUSION

The board minority, in its review of Petitioner's entire record and application, carefully considered the policy guidance of reference (b). The board minority noted that Petitioner did not follow the procedures to submit a close proximity move request prior to execution of her BUPERS Order therefore, the board minority recommended Petitioner's request be denied.

MINORITY RECOMMENDATION

That no corrective action be taken to Petitioner's record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) 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. The foregoing action of the Board is submitted for your review and action.

7/26/2021

[REDACTED]

Executive Director

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Assistant General Counsel (Manpower and Reserve Affairs)

Reviewed and Approved Board Majority Recommendation (Grant Relief)

~~Reviewed and Approved Board Minority Recommendation (Deny Relief)~~

[REDACTED] /17/2021
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Assistant General Counsel (M&RA)

Signed by: [REDACTED]