



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

█  
Docket No. 206-21  
Ref: Signature Date

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█  
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Dear █

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. 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 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 28 October 2021. 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 Headquarters, U.S. Marine Corps memorandum 7200 RFF of 23 February 2021 and your response to the opinion.

On 13 July 2009, you divorced. On 25 March 2015, you joined your present unit Wounded Warrior Battalion-█ █ for duty. On 1 April 2020, you were promoted to First Sergeant/E-8.

On 7 October 2020, Deputy Naval Inspector General for Marine Corps Matters/Inspector General of the Marine Corps notified you that an inquiry was conducted in your June 9, 2020 Hotline Complaint to the Inspector General of the Marine Corps concerning fraud, racism, command climate issues, and a waiver of indebtedness. The Command Inspector General, Marine Corps Installations - National Capitol Region, █ (MCI-NCR/█), conducted a thorough inquiry into the issues raised by your complaint. The inquiry determined the complaint had merit and appropriate action was taken.

On 9 October 2020, Defense Finance and Accounting Service (DFAS) notified you that your waiver was denied in the amount of \$36,639. You were assigned to the barracks and entitled to Basic Allowance for Housing (BAH) Partial but received BAH at the without dependents rate. On July 13, 2012, you were authorized to move off-base for housing. The authorization letter stated, "If you vacate your off-base residency and occupy government quarters, you are directed to report to the █ Installation Personnel Administrative Center (IPAC) to stop your BAH entitlement effective the date government quarters are occupied." On June 30, 2018, you moved back into the barracks and continued to receive BAH at the without dependents rate. You were aware, or reasonably should have been aware that you were not entitled to BAH at the without dependents rate when you were assigned to government quarters since you had no housing expenses. You had a responsibility to report the erroneous payments of BAH at

the without dependents rate to an appropriate official. For your failure to do so, you are not without fault in the matter, which statutorily precludes favorable waiver consideration.

On 7 July 2021, Commanding Officer, █ submitted a letter to Board requesting the board consider the information in said letter so they might understand the unique circumstances surrounding this case. Further stating that failure to grant your request will result in manifest injustice. And the command leadership of █ failed to provide the paperwork demonstrating the waiver sometimes granted to members of the Battalion who require barracks rooms but also are permitted to maintain personal residences due to complicated family situations or medical and mental health reasons. And following your assessment of liability, they began to issue documentation to any person in receipt of such a waiver. Unfortunately, this was not a practice instituted in time to furnish you with the documentation that would have supported your contention that you had permission from the chain of command to reside on station and continue to collect BAH.

On 21 October 2021, you provided a rebuttal to the AO via email stating that you followed the direction of your leadership that only had well intentions to their Marines by ordering you to reside in the barracks and focusing on recovery. However, there was no mention of reconciliation with IPAC.

You requested a waiver be granted in full or stop the rest of the liquidation payment. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, concluded that even though you had permission from your command to move on base and continue to receive BAH, you were responsible for informing the IPAC of your change in residence. In accordance with DoD 7000-14-R Financial Management Regulation Volume 7A, Chapter 26, Partial Housing Allowance (BAH Partial) is paid when a Service member without a dependent is assigned to single-type quarters. You provided no material evidence of a lease or mortgage for which you were responsible or any other evidence of housing expenses you incurred. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

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,

11/27/2021

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Deputy Director

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