



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

[REDACTED]
Docket No. 432-21
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) NAVADMIN 101/10 dtd 19 Mar 10

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 show Petitioner completed all requirements to fall under the provisions of a close proximity move and was eligible for and received basic allowance for housing (BAH) based on the previous permanent duty station (PDS).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 2 February 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 12 February 2009, Petitioner got married.

c. In accordance with reference (b) [19 March 2010], this NAVADMIN clarifies eligibility and procedures for execution of a close proximity move. The following policy is in accordance with refs a and b and supersedes any guidance on basic allowance for housing (BAH) as it pertains to close proximity moves listed in reference c and d.

Service members who have not executed their orders are eligible to remove the household goods (HHG) funding from those orders in order to fall under the provisions of a close proximity move and may be eligible to receive BAH based on the previous permanent duty station (PDS).

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Service members with or without dependents who are reassigned within the continental United States, maintain an established residence, and still commute daily to their new PDS or homeport, may qualify for BAH based on their previous PDS under the provisions of a close proximity move.

To qualify for BAH based on the previous PDS, the following provisions must be met: funding for a HHG move must not be authorized, the member must maintain a continuous residence. The member must have established a continuous residence at the previous PDS prior to receiving his/her new orders, the member must commute daily to the new PDS from the same residence. Finally, to receive BAH based on the old PDS, the member must complete the below steps prior to the execution of orders: request authorization from the gaining commanding officer to receive BAH based on his/her previous duty station. Gaining commanding officers should ensure that member is maintaining a continuous residence and that the commuting distance from that continuous residence is reasonable for the geographic location of the assignment. If approved by the gaining commanding officer, the member must send the approval letter to his/her detailer in order to get the HHG funding removed from his/her orders. Once HHG funding is removed from the orders and the orders are re-issued, the member must take the approval letter and the orders to PSD upon check in to the gaining command to have BAH based on the previous duty station continued.

d. On 30 June 2020, Petitioner was issued official change duty orders (BUPERS order: 1820) departing [REDACTED] and arriving to [REDACTED]

e. On 19 October 2020, Petitioner transferred, and arrived to [REDACTED] on 19 October 2020 for duty. Petitioner's BAH at the with-dependent rate for [REDACTED] was started.

f. On 24 November 2020, Office of the Chief of Naval Operations notified Transaction Service Center, Norfolk pertaining to [REDACTED] close proximity basic allowance for housing exception to policy. In response to [REDACTED] request of 23 November 2020, and in accordance with the Financial Management Regulations paragraph 261001-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]. Furthermore, the Commanding Officer of [REDACTED] has verified that the service members listed in enclosure (1) did not have Household Good (HHG) Line of Accounting 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, PCU JFK.

g. On 22 January 2021, Commanding Officer, [REDACTED] notified BCNR Board For Correction Of Naval Records petition transmittal for basic allowance for housing based on previous permanent duty station under the provisions of a close proximity move. All administrative remedies have been exhausted to correct this administrative error. [REDACTED] coordinated with Transaction Support Center, Norfolk, PERS-451, and OPNAV N130 in order to identify and attempt to correct the BAH discrepancy. In all cases it was determined that

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an unused LOA was included in their orders, therefore BAH could not be authorized at the petitioner's previous PDS. As the gaining command's Commanding Officer (CO), I fully approve and support authorization of BAH at the previous PDS per the DoD FMR.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of reference (b), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that although all administrative requirements were not completed prior to the execution of his orders, Petitioner's gaining CO has verified that he fulfills the requirements to be eligible to receive BAH based on the previous PDS.

RECOMMENDATION

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

Petitioner submitted a close proximity move request and it was approved by cognizant authority, prior to the execution of his orders.

Petitioner was authorized BAH at the with-dependent rate for [REDACTED] from 19 October 2020 to present. Note: If Petitioner moves from his residence, he will no longer be authorized BAH at the [REDACTED] rate.

Note: Defense Finance & 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.

3/9/2021

[REDACTED]
Deputy Director