



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

█  
Docket No. 594-21  
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552  
(b) DoD 7000.14-R FMR Volume 7A, Chapter 68

Encl: (1) DD Form 149 w/attachments  
(2) CNP memo 7220 Ser N130C2/21U1793 of 9 Dec 21  
(3) 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 continued to receive station allowance at dependent location of Yokota, Japan from 29 May 2019 through 16 January 2021.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 25 January 2022 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. In accordance with reference (b), when dependents are authorized (or required) to travel after the Service member and arrive at the new PDS (Permanent Duty Station) OCONUS (Outside the Continental United States) after the Service member, housing allowance continuation can be based on delayed dependents' travel from the old PDS OCONUS under Chapter 26, paragraph 261007 and also authorizes continuation of COLA (Cost of Living Allowances) for the same time period without separate action.

c. On 13 February 2019, Petitioner certified a Dependent Application/Record of Emergency Data (NAVPERS 1070/602). Petitioner's dependents' address was █.

d. On 8 April 2019, Petitioner was issued official change duty orders (BUPERS order: █) while stationed in █, █ with an effective date of departure of May 2019. Petitioner's ultimate activity was █ for duty in a flying status involving flying with an effective date of arrival of March 2020. Petitioner's PRD was September 2022.

e. On 29 May 2019, Petitioner transferred from █.

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f. On 5 August 2019, Petitioner was issued official modification to change duty orders (BUPERS order: [REDACTED] while stationed in [REDACTED] with an effective date of departure of May 2019. Petitioner's ultimate activity was [REDACTED] for duty in a flying status involving flying with an effective date of arrival of March 2020. Petitioner's PRD was September 2022.

g. On 16 August 2019, Petitioner's Overseas COLA stopped.

h. On 25 February 2020, Petitioner was issued official modification to change duty orders (BUPERS order: [REDACTED] while stationed in [REDACTED] with an effective date of departure of May 2019. Petitioner's ultimate activity was [REDACTED] for duty in a flying status involving flying with an effective date of arrival of March 2020. Petitioner's PRD was September 2022.

i. On 28 February 2020, Petitioner arrived to [REDACTED] for duty. Furthermore, Overseas COLA started at the single rate.

j. On 7 April 2020, a shipment of 1,477 lbs. was picked up at [REDACTED] and delivered to [REDACTED] on 22 April 2020.

k. On 14 April 2020, Petitioner certified a Dependent Application/Record of Emergency Data (NAVPERS 1070/602). Petitioner got married on 29 January 2005. Petitioner's children were born on 10 May 2005, 19 June 2008, and 20 January 2016 respectively. Petitioner's dependents' address was [REDACTED], [REDACTED].

l. On 18 October 2020, Petitioner submitted a request for station allowances for family members to Head, Military Compensation and Policy Coordination Branch (N130). Petitioner requested station allowances effective his date of departure from [REDACTED] until his dependents arrive to his new permanent duty station [REDACTED], [REDACTED].

m. On 20 October 2020, Commanding Officer, [REDACTED] endorsed Petitioner's request and forwarded the request to Head, Military Compensation and Policy Coordination Branch (N130) Head, Military Compensation and Policy Coordination Branch (N130).

n. On 17 January 2021, Petitioner's dependents departed [REDACTED] and arrived to [REDACTED] on 17 January 2021.

o. On 18 January 2021, Petitioner's Basic Allowance for Housing (BAH) at the with dependent rate for [REDACTED] was started.

p. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has partial merit and warrants partial favorable action.

## 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 partial corrective action. The Board concluded that Petitioner's BUPERS order: [REDACTED] had several intermediate activities and if Petitioner had submitted a request for delayed dependent travel and continuation of station allowances at his dependents' location prior to the execution of his orders, it would have been approved. However, the Board concluded that in accordance with DoDI 1315.18, the standard tour length for a DoD service member stationed in an accompanied tour OCONUS is 36 months and 24 months in an

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unaccompanied tour. Petitioner's orders were for 30 months, therefore, his orders were considered to be unaccompanied. Therefore, leaving his dependents at the previous PDS after Petitioner's report date at his new PDS was a personal choice and he is not entitled to Overseas COLA for that time period.

RECOMMENDATION

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

Petitioner submitted a request for continuation of station allowances and it was approved by cognizant authority effective 28 May 2019.

Petitioner was authorized Overseas COLA at the with-dependent rate (4 dependents) for [REDACTED] from 29 May 2019 through 27 February 2020.

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

That part of the Petitioner's request for corrective action that exceeds the foregoing be denied.

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.

2/22/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]