



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

█
Docket No. 1025-21
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) Title 10 U.S.C. § 1552
(b) DoD 7000.14-R
(c) NAVADMIN 101/10

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 establish Petitioner's entitlement to Basic Allowance for Housing (BAH) for previous Permanent Duty Station (PDS)

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 17 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 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, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. While receiving BAH with dependents at PDS zip code █ and residing at residence located in █ Petitioner receives modification to BUPERS Change of Duty Orders 0140 effective 18 June 2018. Petitioner estimated date of arrival to Student Marine Corps University, █ for duty under instruction (DUINS) is during August 2020. Household Goods (HHG) and dependents transportation authorized.

b. On 31 July 2020 Petitioner transferred from parent command and joined for duty as Student, Marine Corps University (DUINS), █ on 14 August 2020. Petitioner's BAH at old PDS zip code █ stops effective 13 August 2020 and BAH at new PDS █ starts effective 14 August 2020. Petitioner and dependents continue to reside at residence located in █

c. On 12 November 2020 Petitioner submits request for BAH at previous PDS based on provision of close proximity. Gaining command favorably endorses Petitioner's request and forwards it to Detailer, Navy Personnel Command Millington, TN.

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XXX-XX-[REDACTED]

d. As of 15 June 2021 Petitioner's records indicate he and family still remain in residence located at [REDACTED]

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 corrective action. The Board concluded the Petitioner failed to properly read his BUPERS Change of Duty Orders and was not fully aware of the requirements of reference (c), and failed to request BAH at previous PDS based on provision of close proximity prior to executing orders to the new PDS. However, the Board granted relief due to gaining command certifying Petitioner and family remained in residence in [REDACTED].

RECOMMENDATION

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

On 18 June 2020 transportation/HHG funding data is removed from BUPERS Order 0140.

Petitioner submitted for request for BAH at previous PDS based on provision of close proximity on "30 July 2020" vice "12 November 2020". Gaining command favorably endorses Petitioner's request and forwards it to Detailer, Navy Personnel Command Millington, TN.

On 14 August 2020 Petitioner's BAH at old PDS zip code [REDACTED] vice new PDS zip code [REDACTED] is reported by gaining command and entered in Petitioner's Master Military Pay Account (MMPA).

Note: Petitioner understands he will forfeit the right to receive BAH based on his previous PDS if he moves his residence at his own expense.

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.

7/21/2021

[REDACTED]

Deputy Director

Signed by [REDACTED]