

DEPARTMENT OF THE NAVY

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

> Docket No. 1910-21 Ref: Signature Date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF

Ref: (a) Title 10 U.S.C. §1552

(b) DoDI 1315.18 dtd 28 Oct 15

(c) DoD 7000.14-R FMR Volume 7A

Encl: (1) DD Form 149 of 23 Mar 21

(2) NAVPERS 1070/602 of 20 Jul 21

(3) DEERS printout

(4) BUPERS order: 1186 of 27 Apr 16

(5) Marine Corps Base, message of 18 Jul 16

(6) MEB First Endorsement 1326/1 S-1 of 22 Jul 16

(7) History of Assignments

(8) MCI ltr 1900 IPAC OB of 26 Jun 19

(9) DD Form 214 eff 31 Aug 19

(10) statement of non-availability of 18 Sep 19

(11) Hotel receipt of 24 Sep 19

(12) BUPERS order: 1129 of 25 Sept 19

(13) msg of 27 Sep 19

(14) MMPA printout

(15) Commander, FAS First Endorsement 7000 Ser 00/268 of 9 Mar 21

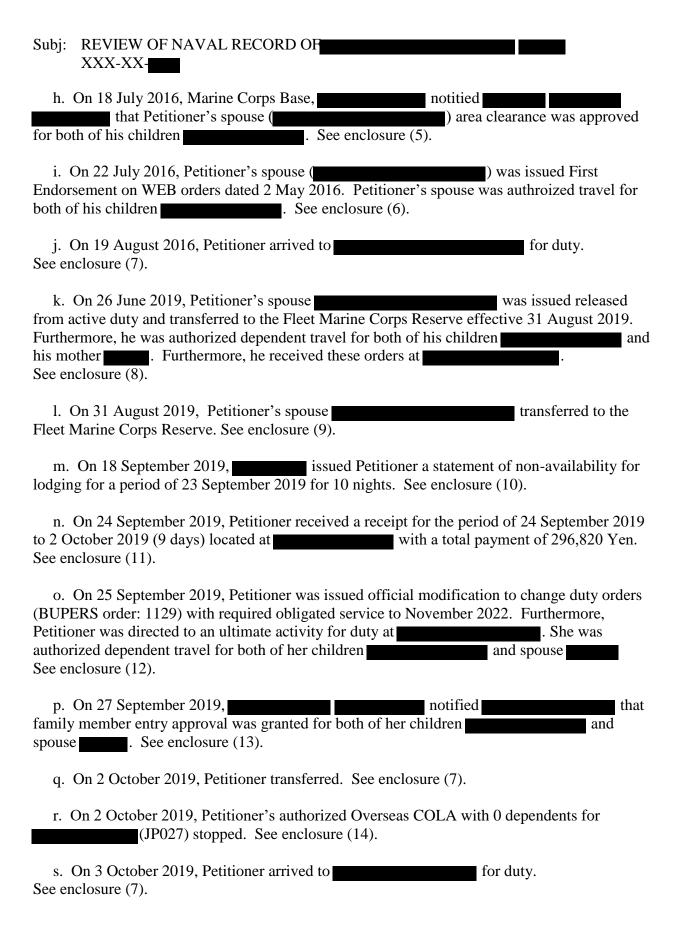
(16) Advisory Opinion by CNP memo 7220 Ser N130C1/21U0651 of 14 May 21

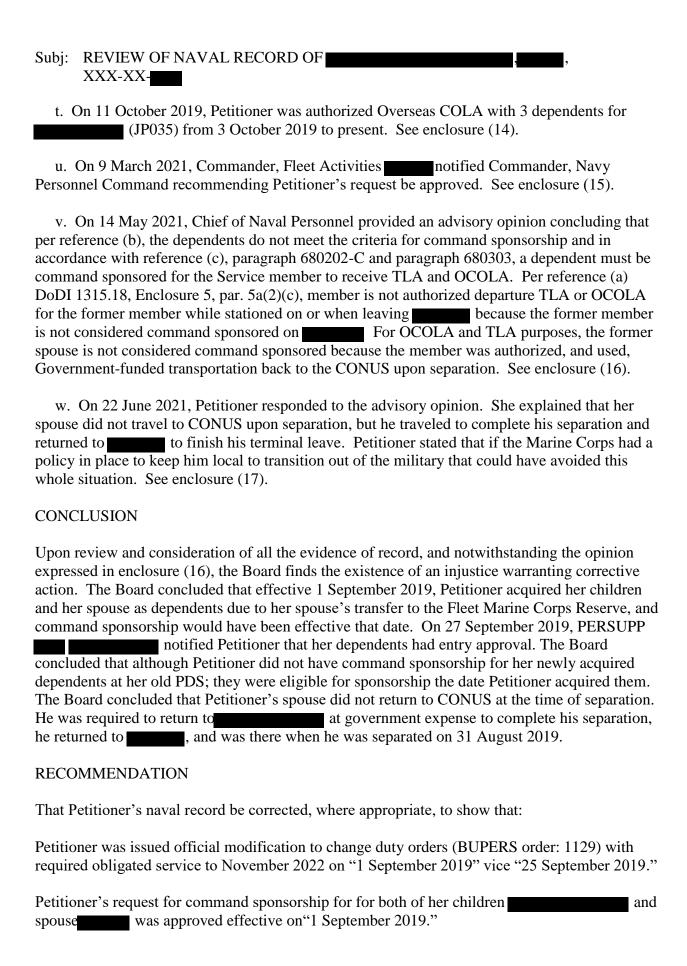
(17) Petitioner's email of 22 Jun 21

- 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 was eligible for and received Overseas Cost of Living Allowance (COLA) at the with-dependent rate effective 1 September 2019 to 3 October 2019, was and entitled to Temporary Lodging Allowance (TLA) departure at the with-dependent rate for per diem and lodging effective 24 September to 3 October 2019.
- 2. The Board reviewed Petitioner's allegations of error and injustice on 22 July 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 service records, and applicable statutes, regulations, and policies.

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- 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 15 August 2003, Petitioner got married See enclosure (2).
 - c. On 10 April 2010, Petitioner's child was born. See enclosure (3).
- d. In accordance with reference (b), "Service members serving an unaccompanied tour and who are later joined by non-command-sponsored dependents, or who acquire dependents through birth, marriage, adoption, or other action, may have these dependents command-sponsored if all of these conditions are met: (1) An accompanied tour is authorized, as listed in Appendix Q of Reference (m), for that duty station and the Service member is eligible to serve the accompanied tour. This condition does not apply when a child is born to a Service member assigned to a location where the accompanied tour is not authorized. (2) The Service member agrees to serve the prescribed accompanied tour and has sufficient service retainability. Command sponsorship will be granted as soon as the member has the retainability. If he or she is already serving the equivalent of the accompanied tour at the location, command sponsorship will be effective on acquiring the dependents through birth, marriage, adoption, or other action, or upon arrival of the dependents overseas." "... In cases where one member of a military couple separates from military service, the separating member may be command-sponsored effective on the day following separation, provided both of these conditions are met: 1. The remaining Service member is serving the accompanied tour length. 2. The separating Service member is a dependent of the remaining Service member and did not travel back to CONUS at U.S. Government expense at the time of separation."
- e. In accordance with reference (c), a dependent must be command sponsored for the Service member to receive Outside Continental United States (OCONUS) COLA or TLA based on the dependent's presence. A Service member serving a tour OCONUS who has no dependents on arrival but who acquires a dependent during that tour is ineligible for TLA for the dependent when the dependent arrives at the Permanent Duty Station (PDS) because the Service member was without a dependent on the effective date of the Permanent Change of Station orders (A Service member may be authorized TLA for him or herself, when eligible, or for a dependent acquired while serving at a PDS OCONUS if the dependent is command sponsored at the PDS from which the dependent departs.
 - f. On 22 March 2016, Petitioner's child was born. See enclosure (3).
- g. On 27 April 2016, Petitioner's was issued official change duty orders (BUPERS order: 1186) with required obligated service to September 2019. Furthermore, Petitioner was directed to an ultimate activity for duty at the control of the control o





Petitioner was authorized Overseas COLA with 3 dependents for effective 1 September 2019 to 2 October 2019.

Note: Petitioner must submit a request for reimbursement of TLA, receipts, BUPERS Order 1129, and a copy of this Board of Correction of Naval Records decision letter to his local Personnel Support Detachment for adjudication. Furthermore, Defense Finance and 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. 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 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.

Executive Director

8/30/2021

Assistant General Counsel (Manpower and Reserve Affairs):

Reviewed and Approved Board Recommendation (Grant Relief)

Reviewed and Approved Advisory Opinion Recommendation (Deny Relief)

