



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

█  
Docket No. 2194-21  
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) at previous duty station █ under provision of Close Proximity effective 15 November 2019.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 29 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 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. On 29 July 2019 Petitioner receives BUPERS Change Duty Order 2109 for detachment from █ during October 2019 with intermediate activities enroute prior to reporting to ultimate activity █ during November 2019. Petitioner married with dependents receiving BAH for PDS zip code █ while residing in property located in █

b. On 25 October 2019 Petitioner transferred from █ and joined for duty █ effective 25 November 2019. BAH at PDS zip code █ effective 25 November 2019 was not reported until 27 January 2020.

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c. On 20 April 2020 Petitioner submits special request for BAH former PDS in [REDACTED] on provisions of close proximity.

d. On 7 July 2020 [REDACTED] initiates Transaction Online Processing System (TOPS) transaction number 145 requesting BAH at [REDACTED] rate effective November 2019. This transaction completed in TOPS effective 3 August 2020.

e. On 25 November 2020 [REDACTED] initiates Transaction Online Processing System (TOPS) transaction number 262 requesting BAH at [REDACTED] rate effective November 2019 stating BAH is still not corrected. Response received 14 December 2020 stating documentation required to receive close proximity BAH never received per reference (c) and therefore BAH was restored to current PDS. This transaction completed in TOPS effective 18 December 2020 with no further action.

f. Petitioner monthly mortgage loan statement of 18 March 2021 property address is the same address of property located in [REDACTED] in which the Petitioner has resided in since 2017.

g. Petitioner Master Military Pay Account (MMPA) reflects BAH an old PDS [REDACTED] zip code [REDACTED] paid from 25 November 2019 through 31 December 2019. BAH at new PDS [REDACTED] zip code [REDACTED] paid from 1 January 2020 through 31 December 2020 and started again effective 1 January 2021.

## 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. Board concluded even though no administrative error exist due to Petitioner failure to request and receiving approval of close proximity authority per references (b) and (c) prior to execution of orders; relief would be granted due to Petitioner currently residing in same residence since 2017.

## RECOMMENDATION

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

On 1 October 2019, Petitioner requested to maintain BAH based on close proximity for PDS [REDACTED] zip code [REDACTED] agreeing to maintain residence at [REDACTED] Petitioner's request approved effective 2 October 2019.

Correct Prisoner's BAH based on BAH at old PDS [REDACTED] zip code [REDACTED]

Note: Petitioner is aware of provisions of reference (c) on requirements to maintain a continuous residence.

A copy of this Report of Proceedings will be filed in Petitioner's naval record.

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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.

8/7/2021

[REDACTED]

Deputy Director

Signed by: [REDACTED]