



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

█  
Docket No. 2870-21  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █ █, USNR,  
█

Ref: (a) Title 10 U.S.C. § 1552  
(b) DoD 7000.14-R FMR Volume 7A, Chapter 26

Encl: (1) DD Form 149 w/attachments  
(2) OCNO memo 7431 Ser N130C2/21U0740 of 5 Jun 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 was authorized to receive Basic Allowance for Housing (BAH) at the with dependent rate for █ from 15 September 2020 through 17 November 2020.

2. The Board, consisting of █ █ █ and █ reviewed Petitioner's allegations of error and injustice on 2 September 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. In accordance with reference (b), if a Service member is assigned to "unusually arduous sea duty" in the United States and the dependent is not residing with the Service member at the unit's home port then pay BAH based on the unit's home port. The Service member may request a waiver through the Secretarial process for BAH or OHA to be based on the old PDS if the dependent remained in the residence shared with the Service member before the PCS, or based on the dependent's current location.

c. On 6 November 2019, Petitioner signed a residential lease term sheet for the period of 18 December 2019 to 17 December 2020. The property was located at █.

[REDACTED]

d. On 10 August 2020, Petitioner submitted a request for previous PDS BAH of [REDACTED] to Commanding Officer, [REDACTED] because he was ordered to the [REDACTED] a ship designated as an unusually arduous sea duty that is directed to conduct a homeport shift from [REDACTED] to [REDACTED]. Petitioner requested previous PDS BAH for [REDACTED] in lieu of the effective date of 15 September 2020.

e. On 14 September 2020, Petitioner's BAH at the with-dependent rate for [REDACTED], stopped. On 15 September 2020, Petitioner's BAH at the with-dependent rate for [REDACTED] was started.

f. On 17 September 2020, Petitioner was issued official separation orders (BUPERS order: 2610) while stationed in [REDACTED], with an effective date of departure of November 2020.

g. Petitioner was on terminal leave from 13 October 2020 to 17 November 2020 for 36 days.

h. On 17 November 2020, Petitioner was honorably released from active duty and transferred to the Navy Reserve.

i. On 7 December 2020, Commanding Officer, [REDACTED] notified Petitioner of his request dated 10 August 2020 via letter that his request for designated place move and BAH at dependent location was approved.

j. 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 merit and warrants 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 corrective action. The Board concluded that Petitioner submitted his request for BAH at the with-dependent rate based on the old PDS in a timely manner; however, due to the late endorsement of the request, Petitioner did not receive the correct entitlement.

## RECOMMENDATION

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

Petitioner's request for a waiver through the Secretarial process for BAH based on the old PDS was submitted in a timely manner and approved by cognizant authority.

Petitioner was authorized BAH at the with-dependent rate for [REDACTED] vice [REDACTED], from 15 September 2020 to 17 November 2020.

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

[REDACTED]

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.

10/4/2021

[REDACTED]

Deputy Director

[REDACTED]