



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

Docket No. 3195-21
Ref: Signature Date

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 26 August 2021. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies. In addition, the Board considered the advisory opinion contained in Office of the Chief of Naval Operations memo [REDACTED] of 20 July 2021; a copy of which was previously provided to you for comment.

On 30 November 2016, you got married [REDACTED]. From 2 June 2017 to 3 October 2020, you provided several lease agreements with the property located in [REDACTED]. On 30 November 2017, you arrived to [REDACTED] for duty.

In accordance with the Joint Travel Regulations (JTR), a Service member with a dependent who serves an unaccompanied/dependent restricted tour (see DoDI 1315.18) OCONUS or unusually arduous sea duty outside the U.S. is authorized a dependent's location-based with-dependent housing allowance, or an old permanent duty station (PDS)-based with-dependent housing allowance if the dependent remained in the residence shared with the Service member before permanent change of station (PCS), did not relocate, and is not in Gov't Qtrs.

In accordance with MILPERSMAN 1300-308, during the interview conducted per MILPERSMAN 1300-300 through 1300-304, members shall be given the opportunity to elect whether they desire to be accompanied by family member(s) in an overseas area that is authorized accompanied tours, serve in an unaccompanied status, or postpone their decision until after reporting to their overseas duty station. Delayed decisions must be made not later than 90

[REDACTED]

days after reporting. Members not making a tour election within 90 days after reporting will be presumed to have elected to serve in an accompanied status.

On 23 May 2018, you were issued official change duty orders (BUPERS order: 1438) while stationed in [REDACTED] with an effective date of departure of November 2018. Your ultimate activity was [REDACTED] for duty with an effective date of arrival of December 2018. Furthermore, these orders were funder for member an authorized dependents reflected on service record page 2 and other supporting documents. On 15 January 2019, Petitioner's basic allowance for housing (BAH) at the with dependents rate stopped. On 16 January 2019, you arrived to [REDACTED] for duty. On 23 October 2020, you got divorced.

You requested BAH at the dependent's location from 16 January 2019 to 23 October 2020; the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that you were serving overseas on accompanied orders. You had the option to elect whether you desired to be accompanied by your dependent or to serve in an unaccompanied status. This decision could have been made either prior to your departure or within 90 days of arriving to the new PDS. Because no decision was elected to serve unaccompanied, you remained in an accompanied status and your entitlements for that period of time were issued accordingly. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

10/4/2021

[REDACTED]

Deputy Director

[REDACTED]