



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

[REDACTED]
Docket No. 3762-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) MILPERSMAN 1746-020

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by N130C4 of 26 Oct 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 her naval record be corrected to receive back pay for basic allowance for substance (BAS) from October 2018 to December 2018.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 11 January 2022 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. On 28 September 2018 Petitioner reported to NMRTU [REDACTED].

c. On 31 October 2018 Petitioner submitted a request chit for BAS.

d. On or about 5 November 2018 the Commanding Officer approved Petitioner's request.

e. On 13 December 2018 Petitioner's second request was approved and BAS started.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board agreed that Petitioner's initial request was lost due to the submission of the second request. The Board agreed that Petitioner's BAS should have started on 5 November 2018. The Board does not agree that Petitioner's BAS should have been back dated to 28 September 2018 due to when she submitted her request and when it was approved. In accordance with reference (b), paragraph 2.d, RATSSEP cannot be approved retroactive. Paragraph 2.e, RATSSEP is paid from the time of verbal authorization and promptly confirms it in writing. The Board finds the existence of an injustice warranting the following partial corrective action.

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[REDACTED]

RECOMMENDATION

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

Petitioner's BAS started on "5 November 2018" vice "13 December 2018."

Defense Finance & 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. 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.

2/11/2022

[REDACTED]
Deputy Director
[REDACTED]