



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

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Docket No. 4147-21
Ref: Signature Date

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Dear █,

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 15 February 2022. 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 (N130C) memorandum of 6 January 2022 which was previously provided to you for comment.

You requested to receive basic allowance for housing (BAH) at the with-dependent rate from 5 August 2009 through 15 January 2010. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that service members with dependents are entitled to BAH with dependents. The Board agreed that you were married from 3 March 1997 through 15 January 2010 and would normally be entitled to BAH at the with-dependent rate. However, the Board noted that your BAH entitlement was changed to BAH partial on 6 August 2009 through 14 September 2009 and to BAH single on 15 September 2009 thus, the Board assumed presumption of regularity – that the Navy got it right – and the burden would be on you to demonstrate otherwise, which you failed to offer. The Board also noted that your divorce decree stated that you were behind on payments for child support since 19 October 2009 and alimony since 28 May 2009 and were living in the barracks.¹ Lastly, the Board noted that you provided a copy of checks paid to the clerk of courts,

¹ In accordance with the Joint Travel Regulation (JTR), paragraph U10106.B, a member who fails to support a dependent on whose behalf a housing allowance is received is [n]ot authorized a housing allowance on that dependents behalf. The subsequent arrears support payment does not authorize a member a housing allowance for the dependent for the [n]onsupport or inadequate support period. This does not allow a housing allowance at the with-dependent rate even if the support payments were later paid.

