



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

█  
Docket No. 4199-21  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICN █ █ USN,  
XXX-XX-█

Ref: (a) Title 10 U.S.C. § 1552  
(b) NAVADMIN 101/10 of 19 Mar 10

Encl: (1) DD Form 149 w/attachments  
(2) OCNO memo 7431 Ser N130C2/21U1376 of 21 Sep 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 eligible for and received basic allowance for housing (BAH) at the with-dependent rate for █ effective 15 February 2021 to present.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 28 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), service members who have not executed their orders are eligible to remove the household goods (HHG) funding from those orders in order to fall under the provisions of a close proximity move and may be eligible to receive BAH based on the previous permanent duty station (PDS). To qualify for BAH based on the previous PDS, the following provisions must be met:

Funding for a HHG move must not be authorized. These members can request through their detailers to remove that funding line to become eligible for BAH based on the previous PDS.

[REDACTED]

This removal must be completed prior to the member executing the orders or no authorization/approval for BAH based on the previous duty station can be granted. The member must maintain a continuous residence. The member must have established a continuous residence at the previous PDS prior to receiving his/her new orders

The member must commute daily to the new PDS from the same residence. In the request for this PDS-based allowance, the commanding officer of the member's gaining command must verify that the commuting distance is "reasonable" or normal for the geographic location of the command.

c. On 14 July 2017, Petitioner arrived to [REDACTED] for duty. Furthermore, Petitioner was authorized BAH at the with-dependent rate for [REDACTED].

d. On 30 July 2020, Petitioner was issued official change duty orders (BUPERS order: 2120) with an obligated service to March 2024, while stationed in [REDACTED], with an effective date of departure of January 2021. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of February 2021.

e. On 28 December 2020, Commanding Officer, Naval Ocean Processing Facility [REDACTED], E6 Information Technician Submarine Detailer requesting to remove the funding for a household goods (HHG) move from the members orders and re-issue those orders.

f. On 15 January 2021, Petitioner transferred, and arrived to [REDACTED] on 15 February 2021 for duty. Furthermore, Petitioner was authorized BAH at the with-dependent rate for [REDACTED].

g. On 15 March 2021, Petitioner was issued official modification to change duty orders (BUPERS order: 2120), while stationed in [REDACTED], with an effective date of departure of January 2021. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of February 2021.

h. 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. They Board concluded that Petitioner established a residence prior to the insurance of orders and sent the Commanding Officer's endorsement to the detailer; however, the detailer failed to create the order modification in a timely manner.

## RECOMMENDATION

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

[REDACTED]

Petitioner was issued official modification to change duty orders (BUPERS order: 2120), with an ultimate activity of [REDACTED] on “14 January 2021” vice “15 March 2021.”

Petitioner was authorized BAH at the with-dependent rate for “[REDACTED]” vice “[REDACTED]” effective 15 February 2021.

Note: 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.

9/28/2021

[REDACTED]

Deputy Director

[REDACTED]