



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

[REDACTED]  
Docket No. 4321-21  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED] USNR, XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552  
(b) DoD 7000.14-R

Encl: (1) DD Form 149 w/attachments  
(2) 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 establish Petitioner's authorization of BAH Differential (BAH-Diff) for dependent.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 7 October 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, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 1 August 2017 Petitioner's dependent child born out of wedlock. Petitioner is indicated as "Father" on the State of [REDACTED] Certificate of Live Birth, Certificate No. [REDACTED]. Petitioner was stationed in [REDACTED] and receiving BAH at the single rate in the pay grade of E4 for PDS zip code [REDACTED]. Petitioner child reflected in DEERS with 1 August 2017 as the association begin date.

b. Per [REDACTED] memorandum dated 2 October 2019 Petitioner transferred \$200.00 to mother's [REDACTED] on 1 September 2017 and then (October 2017) \$500.00 each month thereafter through 30 August 2019.

c. On 16 December 2017 Petitioner advanced to E5.

d. On 1 December 2018 Petitioner transferred from PDS [REDACTED].

e. On 16 August 2018 Petitioner joined for duty with [REDACTED]. Petitioner receiving BAH at single rate for PDS zip code [REDACTED] effective 16 August 2018.

f. On 4 December 2019 Petitioner completes DD Form 93 record of emergency data with dependent child.

g. On 9 September 2020 PSD representative informs Petitioner they have created a page 2 and request signature. Petitioner provides document and admin representative states electronic correction made. After several back and forth communications no evidence ESR 1070 page 2 completed.

h. On 25 February 2021 BAH at the with dependent for PDS zip code [REDACTED] reported with an effective start date of 1 January 2021.

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i. On 20 September 2021 Petitioner released from active duty and transferred to Navy Reserves.

j. Per reference (b), for a child born out of wedlock, a birth certificate with the Service's member's name cited is required. If the child is not in the custody of the Service member parent, the case is treated as specified in the rules for BAH-Diff if a service member is authorized BAH. The Service member is authorized a housing allowance if the Service member contributes to the dependent's support and that support is at least equal to the applicable BAH-Diff.

#### 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 partial corrective action. The Board determined the Petitioner is father of dependent child. Petitioner initiated appropriate child support effective 1 October 2017. The Service backdated BAH at the dependent rate to 1 January 2021. The Board concluded the Petitioner did not provide the appropriate amount of child support from 1 August 2017 through 30 September 2017 in order to receive BAH Diff during that period, however, per reference (b) did meet the requirements for BAH-Diff effective 1 October 2017 therefore, partial relief warranted.

#### RECOMMENDATION

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

Petitioner applied for and was approved BAH at the dependent rate for PDS zip code [REDACTED] effective 1 October 2017 and continued to receive BAH through 15 August 2018.

Petitioner authorized BAH at with dependent rate for PDS zip code [REDACTED] effective 16 August 2018 through 31 December 2020.

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.

11/11/2021

[REDACTED]  
Deputy Director

Signed by: [REDACTED]