



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

█
Docket No. 4499-21
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) DoD 7000.14-R
(c) NAVADMIN 101/10

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 for Basic Allowance for Housing at zip code █ under the provisions of close proximity per reference (b).

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 4 November 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 19 October 2020, Petitioner issued BUPERS Order █ (Official Change of Duty Orders); detach from █ report to SSN █, █, █ 16 March 2021.

b. On 6 November 2020, Commanding Officer, █ (SSN █) submits request for BAH based on previous permanent duty station (PDS) under provisions of close proximity for Petitioner and requesting removal of funding for Household Goods (HHG) move and reissue orders.

c. On 26 November 2020, Petitioner's BUPERS Order █ modification issued. Page 8 states: "Member Advised: Per your request, this order is issued with no entitlement or funding for relocation of dependents or movement of HHG. If you receive approval for BAH at the previous duty station, you will forfeit the authorization for all travel and transportation allowances for the entire assignment per NAVADMIN 101/10". Petitioner contends Personnel Support Detachment does not recognize this paragraph alone and states funding line is not removed.

d. On 28 January 2021, Petitioner transferred from █, █ and joined for duty with █ (SSN █) effective 18 March 2021. BAH at zip code

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[REDACTED] started effective 18 March 2021. Petitioner's residence remains in [REDACTED].

e. On 26 February 2021, Petitioner receives second modification of BUPERS Order [REDACTED].

f. On 1 November 2021, Petitioner confirms to BCNR Examiner his local PSD still refuses to process BAH request on provisions of close proximity due to executing transfer prior to orders modification and removal of HHG funding data.

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. The Board concluded the Petitioner met requirements of references (b) and (c) for BAH under the provisions of close proximity warranting relief.

RECOMMENDATION

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

On 26 November 2020, Petitioner's BUPERS Order [REDACTED] modification issued with removal of funding data for transportation and movement of HHG.

Effective 18 March 2021 Petitioner joined for duty with [REDACTED] (SSN [REDACTED]), [REDACTED] [REDACTED]. Petitioner approved BAH for zip code [REDACTED] under provisions of close proximity for previous PDS.

Note: Petitioner aware he subsequently executes a move a personal expense, not under PCS orders, the Petitioner loses authorization for BAH at the previous duty station rate per reference (c).

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.

[REDACTED] 12/16/2021

Deputy Director

Signed by: [REDACTED]