



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

Docket No. 4766-21
Ref: Signature Date

Dear [REDACTED],

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 8 December 2021. 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 7431 Ser N130C2/21U1489 of 13 October 2021; a copy of which was previously provided to you for comment.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

On 27 August 2018, you reported to the [REDACTED]. On 14 May 2019, your basic allowance for housing (BAH) single rate started for [REDACTED]. On 10 October 2019, your BAH stopped. On 7 June 2019, you were issued BUPERS Homeport change for [REDACTED] ([REDACTED]). On 11 October 2019, your BAH single rate started for [REDACTED]. On 23 December 2020, you were issued BUPERS Order 3580. On 16 February 2021, you were issued BUPERS Modification Order 3580. On 1 March 2021, the promulgation date for the homeport move became in effect. On 2 March 2021, you were issued BUPERS Modification Order 3580. On 16 March 2021, you detached the [REDACTED]. On 2 April 2021, your BAH stopped for [REDACTED]. On 3 April 2021, you reported to the [REDACTED] in [REDACTED].

On 1 November 2021, the [REDACTED] executed a homeport change from [REDACTED].

You requested to receive BAH from 19 March 2021 to 1 November 2021. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. In accordance with Title 37, United States Code, Section 403, single members are only authorized a housing allowance for the permanent duty station (PDS) location. The Board concluded that there is no evidence of you maintaining a residence in [REDACTED] while stationed in [REDACTED]. In addition, the Board agreed they do not have the authority to overrule the applicable law. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

1/13/2022

[REDACTED]

Deputy Director

[REDACTED]