



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

[REDACTED]
Docket No. 5670-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED] [REDACTED] USN, [REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) Chapter 10 JTR of 2019

Encl: (1) DD Form 149 w/attachments
(2) CNO memo 7431 Ser N130C2/21U1756 of 3 Dec 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 establish Petitioner's authorization of an Overseas Housing Allowance (OHA), location code [REDACTED] credit, from date of marriage 27 July 2019 to 14 September 2020.

2. The Board, consisting of [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 16 December 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 9 March 2019 Petitioner joined for "Unusually Arduous Sea Duty" with SSBN [REDACTED]
[REDACTED]

b. Per Table 10-31 of reference (b), changes in OHA when a Service Member assigned in CONUS acquires a dependent located outside of CONUS, [REDACTED] or [REDACTED] (OHA area) and not at or near the PDS and government quarters are available or not available for the Service member, then start Basic Allowance for Housing (BAH) at the with-dependent rate based on the PDS as of the date the dependent is acquired.

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c. Per paragraph 100501.B.1 (OHA OVERVIEW; REQUIREMENTS). The reported housing must be the actual residence that the Service member occupies and from which the Service member commutes to and from work daily. If a Service member is assigned on an unaccompanied tour or has a Secretarial waiver and is authorized OHA for a dependent who lives separately, the reported housing must be the actual residence that the Service member's dependent occupies.

d. On 27 June 2019 Petitioner marries dependent spouse in [REDACTED]. Petitioner's spouse has lease agreement for property located at [REDACTED] effective on 12 June 2019. Service starts BAH with dependent at PDS zip code [REDACTED] effective 26 June 2019 per Petitioner's master military pay account.

e. On 21 January 2020 Petitioner issued BUPERS Order 0210 "Official Change Duty Order" from [REDACTED] homeport [REDACTED] to [REDACTED] homeport [REDACTED]. Petitioner transferred to [REDACTED] effective 22 January 2020.

f. On 18 May 2020 Petitioner issued BUPERS Order 1390 Official Homeport Shift Orders from [REDACTED] to [REDACTED] homeport [REDACTED] with estimated date of arrival 15 September 2020.

g. On 2 November 2020 Head, Pay and Allowances Section (N130C) authorizes housing allowances based on designated place of residency [REDACTED] of dependent spouse. OHA for location code [REDACTED] started with effective date of 15 September 2020. Petitioner's BAH at the with dependent rate for PDS zip code [REDACTED] stopped effective 14 September 2020.

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. The Board concluded since the Petitioner was assigned to Arduous Sea Duty and married dependent spouse with residence in OHA location and remained in that location relief is warranted.

RECOMMENDATION

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

On 27 June 2019 Petitioner applied for a Secretarial Waiver for Housing Allowances based on dependents permanent residence of [REDACTED] location while assigned to Arduous Sea Duty and approved.

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Petitioner authorized OHA credit for location [REDACTED] from 27 June 2019 through 14 September 2020 vice BAH for PDS zip code [REDACTED] during the same period.

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.

1/13/2022

[REDACTED]

Deputy Director

Signed by: GOODE.BRADLEY.J.1139935450