



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

[REDACTED]
Docket No. 5909-21
Ref: Signature Date

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

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

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

Encl: (1) DD Form 149 w/attachments
(2) CNO memo 7431 Ser N130C2/21U1575 of 26 Oct 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 her naval record be corrected to establish Petitioner's authorization for Overseas Housing Allowance (OHA) from 1 May 2020 to 10 July 2020 due to special circumstances surrounding Petitioner's Permanent Change of Station.

2. The Board, consisting of [REDACTED], [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 8 November 2017 Petitioner joined for duty with [REDACTED], homeport [REDACTED], [REDACTED] and began receiving OHA at the single rate for location code ES019 effective 20 November 2017 per her master military pay account (MMPA).

b. Per 260202.B.2 of reference (b), unless an extension is authorized or approved under paragraph 261002, or the PCS move is a close proximity move as specified in paragraphs 261001 and 261094, the OHA and FSH-B (FSH-B) based location or FSH-O allowances stop on any of the following: (1) The day the Service member's OHA, FSH-O, or FSH-B lease ends; (2) The day before the Service member departs due to a PCS order; (3) The day before the effective date a Service member's assigned ship or unit changes its home port for [REDACTED]. However, a

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Service member without a dependent is authorized a housing allowance based on the old home port until the day the Service member moves back aboard the ship under all of the conditions listed in reference (b).

c. On 16 December 2019 Petitioner issued BUPERS Order 3509 for detachment during April 2020 with first intermediate activity [REDACTED] on 13 April 2020. The ultimate activity [REDACTED], Homeport, [REDACTED] estimated date of arrival (EDA) September 2020. Petitioner received three subsequent modifications to orders with ultimate activity remaining [REDACTED].

d. Per email correspondence received from [REDACTED]. Due to the COVID-19 outbreak, a [REDACTED] State alarm was directed on 14 March 2020 and persisted until 21 June 2020. There was a nationwide confinement with only essential working activities authorized from 14 March through 1 May 2020 that affected all moving pack outs and deliveries services. Moving services for DoD members stationed in [REDACTED] were slowly and partially resumed from 18 May 2020.

e. On 1 May 2020 Petitioner transferred from [REDACTED] and reported for temporary duty (TEM DU) with [REDACTED] effective 1 May 2020. Per reference (b), Petitioner's OHA stopped effective 30 April 2020. Petitioner asserts she was not afforded an opportunity to execute a HHG pack out and therefore had to maintain lease of Overseas residence.

f. On 12 June 2020 Petitioner transferred from [REDACTED] and joined for TEM DU with [REDACTED] effective 18 June 2020. During the temporary duty with COMDERSON 60 the Petitioner executed a HHG pack out and the lease with overseas landlord ended effective 10 July 2020 with security deposit received on 16 July 2020.

g. On 20 July 2020 Petitioner transferred from TEM DU with [REDACTED] and eventually joined for duty with [REDACTED] effective 29 November 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 the Service failed to recognize the inability to execute HHG pack out due to Spanish State alarm. With no modification of orders Petitioner departed PDS and immediately incurred a debt due to the failure therefore; relief is warranted. The Board is aware reference (b) does not provide instructions under circumstances created during the COVID-19 pandemic in order to provide relief and yet stands behind their decision.

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RECOMMENDATION

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

Petitioner submits DD Form 827 (Application for Arrears in Pay) due to debt incurred by COVID-19 pandemic and failure of Service cancellation/modification of BUPERS Order 3509 in order for appropriate HHG pack out to occur prior to transfer.

The Service strongly endorses Petitioner's application for arrears in pay recommending DFAS approve and pay debt that would have been avoided had OHA continued from 1 May 2020 through 10 July 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.

1/14/2022

[REDACTED]

Deputy Director

[REDACTED]