



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

█
Docket No. 5944-21
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) OPNAVINST 7220.12

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by N130C of 11 Jan 22
(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 have a letter of instruction be cancelled and debt cleared with all funds returned.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 18 January 2022 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 July 2016, Petitioner reported to the █).
- b. On 10 February 2017, Petitioner was advanced to ETN2/E-5.
- c. On 31 May 2019, Petitioner became divorced and directed to pay child support.
- d. On 8 July 2019, Petitioner made first child support payment.
- e. On 28 January 2020, Petitioner renewed his lease.
- f. On 10 September 2020, Petitioner's basic allowance for housing (BAH) was changed from "A" to "N" effective 31 May 2019 causing a debt.
- g. On 14 September 2020, Petitioner detached the █ and was issued an indebtedness to the Government letter due to overpayment of BAH at the with dependent rate.
- h. On 9 January 2021, Petitioner reported to █ for duty after one intermediate stop.

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i. On 12 June 2021, Petitioner became married.

j. 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 recommends consideration.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board agreed that Petitioner knew, or should have known, that it was his responsibility to update his Dependency Application/Record of Emergency Data (NAVPERS 1070/602) if there is a change that may affect his BAH entitlements. However, the Board agreed that there was no unaccompanied housing available from May 2019 through September 2020. The Board agreed that Petitioner was entitled to BAH and finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION

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

Petitioner submitted a request to receive BAH Single and BAH DIFF effective 1 June 2019 and it was approved by cognizant authority for [REDACTED]

Petitioner is entitled to BAH Single and BAH DIFF from the day after his divorce to the day before his remarriage (1 June 2019 to 14 September 2020) for [REDACTED]

Petitioner is entitled to BAH Transient from 15 September 2020 to 8 January 2021.

Defense Finance & Accounting Service (DFAS) will complete an audit of Petitioner's records to determine if Petitioner is due any back pay and allowances.

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.

2/11/2022

[REDACTED]
Deputy Director
[REDACTED]