



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

█
Docket No. 6276-21
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 (BAH) 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 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 23 July 2018 Petitioner joined for duty with █, █. Petitioner receiving BAH without dependent at PDS zip code █.

b. On 29 March 2021 Petitioner issued BUPERS Order 0881 Official Change of Duty. Estimated date of departure during July 2021 to Ultimate Permanent Duty Station (PDS) █, █, and estimated date of arrival 30 August 2021.

c. Per reference (b), when a Service member is ordered on a PCS between PDSs located in proximity to each other and continues to commute from the residence occupied while at the old PDS, BAH or OHA continues from the time between the Service member's detachment from the old PDS and reporting to the new PDS, unless otherwise prohibited in this chapter. Per reference

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(c), Service members who have not executed their orders are eligible to remove the household goods (HHG) funding from those orders in order to fall under the provision of a close proximity move and may be eligible to receive BAH based on previous permanent duty station (PDS).

d. On 19 July 2021 Petitioner transferred from [REDACTED]

e. On 26 July 2021 gaining command's, commanding official approves Petitioner's 15 July 2021 request for BAH based on previous PDS under the provisions of a close proximity move.

f. On 16 August 2021 Petitioner issued BUPERS Order 0881 Official Order Modification to Change of duty orders. Orders state: "Member Advised: Per your request this order is issued with no entitlement or funding for relocation of dependents or movement of Household goods. 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. Any accounting data provided is solely for miscellaneous expenses related to change of assigned unit and/or transportation to/from TEMDU/TEMUINS.

g. On 19 August 2021 Petitioner joined for duty with [REDACTED], [REDACTED] BAH for PDS zip code [REDACTED] effective this date.

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 determined the Petitioner did not have approval of BAH under provisions of a close proximity move and removal of household goods (HHG) funding from his orders prior to execution of transfer as required by reference (c). The Board concluded the even though the necessary steps to request authorization for BAH at old PDS under provision of Close Proximity were not executed in a timely manner prior to transfer, due to gaining command's approval and evidence Petitioner has relocated from residence location prior or after execution of transfer and both old PDS and new PDS are within close proximity parameters required in reference (b), relief is warranted.

RECOMMENDATION

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

Petitioner requested BAH close proximity per reference (c) on 15 July 2021 and it was approved by the commanding officer of gaining command on 15 July 2021 vice 26 July 2021. BUPERS Order 0881 Official Modification to Change of duty orders removing entitlement or funding for relocation of dependents or movement of Household goods is effective on 16 July 2021 vice 16 August 2021.

Effective 19 August 2021 upon joining [REDACTED], [REDACTED] Petitioner's BAH continued at the old PDS zip code [REDACTED] vice [REDACTED].

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Note: If Petitioner moves from established residence prior after issue date of orders, regardless of whether or not the Petitioner moves at personal expense, there is no authorization for BAH based on the previous PDS 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.

1/25/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]