



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

[REDACTED]
Docket No. 7542-21
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 7000.14R

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 authorizing Basic Allowance for Housing (BAH) at with dependent rate for period of 18 October 2018 to 4 June 2021.

2. The Board, consisting of [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 20 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 15 August 2015 Petitioner marries active duty spouse. On 23 September 2015 their two children are born. Records indicate the Petitioner's spouse claims the children for BAH purposes.

b. On 22 October 2018 Petitioner begins receiving BAH at the single rate for PDS zip code [REDACTED]. Petitioner's Master Military Pay Account (MMPA) reflects the Petitioner has received this type of BAH for this PDS zip continuously since 22 October 2018 to present date of Board action.

c. On 28 October 2018 Petitioner's active duty spouse is released from active duty and transferred to the Permanent Disability Retired List.

d. On 29 January 2021 Petitioner's spouse files for divorce. No indication of non-spousal support on non-child support.

e. On 14 May 2021 Petitioner's divorce is finalized. Petitioner's formal spouse has sole custody of two dependent children with requirement for Petitioner to pay [REDACTED] monthly child support payments effective 1 May 2021.

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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 Petitioner was not paid the appropriate BAH rate per reference (b) effective 29 October 2018 vice the Petitioner's request of 18 October 2018, warranting partial relief.

RECOMMENDATION

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

Effective 29 October 2018 Petitioner authorized BAH at the with dependent rate vice the single rate for PDS zip code [REDACTED] through 14 May 2021.

Effective 15 May 2021 Petitioner authorized BAH at the with dependent rate for PDS zip code [REDACTED] based on Differential (BAH DIFF) and BAH at the single rate authorization.

Note: Should the Petitioner's authorization for BAH at the single rate be terminated Petitioner would only be entitled to BAH DIFF based on continued child support for dependent children.

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.

2/10/2022

[REDACTED]

Deputy Director

[REDACTED]