



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

█
Docket No. 255-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █ █ USN, █

Ref: (a) Title 10 U.S.C. § 1552
(b) DoD 7000.14-R FMR Volume 7A Chapters 25/26

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 her naval record be corrected to show Petitioner received Basic Allowance for Housing (BAH) at without dependent rate for the period of 1 July 2019 to 15 April 2020 and Basic Allowance for Subsistence (BAS) credit for approximately 6 months from January 2020 to June 2020.

2. The Board, consisting of █ and █ reviewed Petitioner's allegations of error and injustice on 20 April 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, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. On 25 September 2018, Petitioner entered active duty for 4 years with an EAOS of 24 September 2022.

c. On 8 April 2019, Petitioner was issued official change duty orders (BUPERS order: 0989) while stationed in █ with an effective date of departure of May 2019. Petitioner's ultimate activity was █ for duty with an effective date of arrival of 27 May 2019.

d. On 6 May 2019, Petitioner transferred from █ █ and arrived to █ █ on 10 June 2019 for duty.

e. On 1 July 2019, Petitioner got married.

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f. On 22 November 2019, Petitioner's spouse arrived to [REDACTED] for duty.

g. On 2 December 2019, Petitioner was issued official change duty orders (BUPERS order: 3369) while stationed in [REDACTED] with an effective date of departure of December 2019. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 17 December 2019.

h. On 4 December 2019, Petitioner transferred, and arrived to [REDACTED] on 5 December 2019 for duty.

i. On 5 December 2019, Petitioner submitted Special Request/Authorization (NAVPERS 1336/3) requesting to receive single BAH and BAS. Petitioner's request was approved on 10 December 2019.

j. In accordance with reference (b) Enlisted members who change BAS status at the direction or by permission of a commander, under blanket authority, or at the member's request will have the entitlement change take effect at the beginning of the day specified in writing by the commander.

A Service member on Active Duty (AD) entitled to basic pay is authorized a housing allowance based on his or her grade, rank, location, and whether he or she has any dependents. A housing allowance generally is not authorized for a Service member who is assigned to appropriate and adequate Government quarters (see Section 2608 for Government quarters). A Service member's lawful spouse and legitimate, unmarried, minor children are always dependents for housing allowance purposes, except as specified in this section. A Service member is not authorized a housing allowance for a spouse on AD in a Uniformed Service entitled to basic pay and allowances. See Section 2604 for housing allowances when two Service members married to each other are both entitled to basic pay and allowances.

k. On 6 December 2019, Housing Installation Program manager notified Personnel Support Detachment that Petitioner was not assigned to government quarters as of 6 August 2019.

l. On 1 June 2020, Petitioner begin receiving BAH at the without dependent rate [REDACTED] [REDACTED] was started effective 16 April 2020.

m. On 7 July 2020, Petitioner's child was born.

n. On 21 October 2020, Petitioner's BAH at the with dependent rate [REDACTED], [REDACTED] was started effective 7 July 2020.

o. On 25 February 2022, Commanding Officer, Naval Submarine Base [REDACTED] notified BCNR that Petitioner [REDACTED] [REDACTED] reported to the command on 5 December 2019. Following her gain, she worked with the Admin Department to update her marital status on her Page 2 in NSIPS. She had been with trying to update it since July 2019, while she was attached to the [REDACTED] [REDACTED]. She had resubmitted her update every 60-70 days due to the system recycling it. The Admin Department contacted the Personnel Support Detachment

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[REDACTED] in February and March of 2020 to direct request processing. Her single BAH was started in June 2020 and her Dependent BAH was started October 2020 after the update of her child. As her BAH was started in July and not backdated to any point, she was directed to submit a BCNR request.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of reference (b), the Board finds the existence of an injustice warranting the following partial corrective action. The Board concluded that although Petitioner provided evidence that she vacated government quarters on 6 August 2019, there is no evidence that she was approved to receive BAH at the without dependents rate retroactive to that date. Petitioner's command approved her request for BAH and BAS on 10 December 2019; therefore, her entitlements to each are authorized beginning that date. Petitioner was credited for meal deductions taken from January 2020 to June 2020.

RECOMMENDATION

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

Petitioner's meal deductions stopped on 9 December 2019.

Petitioner was authorized BAH at the without dependent rate for [REDACTED] effective 10 December 2019 vice 16 April 2020 until 6 July 2020.

That part of the Petitioner's request for corrective action that exceeds the foregoing be denied.

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.

5/16/2022

[REDACTED]

Deputy Director

[REDACTED]