

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

> Docket No. 858-22 Ref: Signature Date



Dear

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 14 April 2022. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies.

In accordance with NAVADMIN 101/10 published on 19 March 2010, 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 provisions of a close proximity move and may be eligible to receive Basic Allowance for Housing (BAH) based on the previous permanent duty station (PDS). To qualify for BAH based on the previous PDS, funding for a HHG move must not be authorized. The current order writing system automatically assigns HHG funding to a member's orders when the previous PDS and new PDS are more than 30 miles apart. However, these members can request through their detailers to remove that funding line to become eligible for BAH based on the previous PDS. This removal must be completed prior to the member executing the orders or no authorization/approval for BAH based on the previous duty station can be granted. There is no retroactive approval process or waiver for granting BAH at the previous PDS if orders are executed that include HHG funding authorization.

On 8 February 2021, you were issued official change duty orders (BUPERS order: 0391) while stationed in **Example**, with an effective date of departure of August 2021. Your ultimate activity was **Example**, for duty with an effective date of arrival of August 2021.

On 15 August 2021, your BAH at the with dependents monthly rate of \$2,393.70 for stopped. On 16 August 2021, you transferred from the stopped, and arrived

to for duty, and your BAH at the with dependents monthly rate of \$2,603.70 for started.

On 15 December 2021, BAH was updated for calendar year 22. BAH with dependents monthly rate increased from \$2,393.70 to \$2,889.00 for the second seco

On 28 March 2022, your Dependency Application/Record of Emergency Data (NAVPERS 1070/602) was issued with your spouse's address listed as a second se

You requested to receive BAH based on your previous duty station. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that you received BUPERS Order 0391 effective 8 February 2021 and executed those orders on 16 August 2021 without applying for BAH under the provisions of close proximity prior to executing the orders because BAH at your new duty station was greater than BAH at your previous duty station. On 15 December 2021, BAH was updated for calendar year 2022, increasing the entitlement at your old PDS while decreasing it at your new PDS. It is inappropriate for the Board to retroactively grant a BAH request solely due to the BAH rate changes of your old PDS location from years 2021 and 2022.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.



Sincerely,