



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

█  
Docket No. 975-22  
Ref: Signature Date

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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 was 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 10 May 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 addition, the Board considered the advisory opinion by Office of the Chief of Naval Operations memorandum 7220 Ser N130C6/22U0518 of 28 March 2022 which was previously provided to you for comment.

On 13 February 2016, you married a Navy active duty spouse.

On 21 October 2019, you were issued official change duty orders (BUPERS order: 2949) with required obligated service to April 2024, while stationed in █ with an effective date of departure of August 2020. Your ultimate activity was █ for duty with an effective date of arrival of 15 September 2020. On 31 March 2020, you were issued official modification to change duty orders (BUPERS order: 2949) with required obligated service to July 2023, while stationed in █ with an effective date of departure of May 2020. Your ultimate activity was █ for duty with an effective date of arrival of 30 June 2020. On 27 May 2020, you were issued official modification to change duty orders (BUPERS order: 2949) while stationed in █ with an effective date of departure of July 2020. Your ultimate activity was █ for duty with an effective date of arrival of 10 August 2020. On 10 June 2020, you reenlisted for 3 years with an End of Active Obligated Service of 9 June 2023. On 15 June 2020, you signed an agreement to extend enlistment for 2 months with a Soft End of Active Obligated Service of 9 August 2023 in order to incur sufficient obligated service to execute BUPERS order 2949. On 10 July 2020, you were issued official modification to change duty orders (BUPERS order: 2949) while stationed in █ with an effective date of departure of September 2020. Your ultimate activity was █ for duty with an effective date of arrival of 10 October 2020. On 30 July 2020, you transferred from █. On 9 August 2010, your Basic Allowance for Housing (BAH) at the without dependent rate for █ stopped. On 10 August 2020, you arrived to █ for duty. Furthermore, your BAH at the without dependent rate for █ started.

On 25 October 2021, NCC Chamberlin (Command Career Counselor) notified BCNR that he was your command career counselor during your orders negotiation process. You had recently converted to the GM rating from an Aviation rating and were TAD to the base armory during this process. Your original orders to an LCS crew were abandoned due to a co-location conflict with your spouse. You were then issued orders to █ very rapidly. There was no time to request the line of accounting be set in place to still receive BAH for █.

You requested to receive BAH for █ based on the provisions of a close proximity move. 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 your BUPERS order: 2949 contain household goods (HHG) funding. In accordance with NAVADMIN 101/10<sup>1</sup>, to qualify for BAH based on the previous permanent duty station (PDS), funding for a HHG move must not be authorized and that removal of the line of accounting must take place prior to the execution of orders. Because you have already executed your orders, you are only authorized BAH for your current PDS. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

5/28/2022

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Deputy Director

Signed by: █

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<sup>1</sup> NAVADMIN 101/10 published on 19 March 2010, service members who have not executed their orders are eligible to remove the HHG funding from those orders in order to fall under the provisions of a close proximity move and may be eligible to receive BAH based on the previous 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.