



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

█
Docket No. 1133-22
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) DoD 7000.14-R FMR Volume 7A, Chapter 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 his naval record be corrected to show Petitioner was paid Basic Allowance for Housing (BAH) at the with dependent rate for █, █, █ effective 17 November 2020, and corrections to his Certificate of Release or Discharge from Active Duty (DD Form 214) effective 23 November 2021.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 4 May 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, to include reference (b)¹.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. On 3 January 2018, Petitioner arrived to █ for duty. Furthermore, Petitioner's BAH at the without dependent rate for █, █, █ started.

b. On 17 November 2020, Petitioner got married.

c. On 21 December 2020, Petitioner signed a Record of Emergency Data (DD Form 93) listing his spouse residing in █, █.

d. On 6 October 2021, Petitioner was issued official separation orders (BUPERS order: 2791) while stationed in █, █ with an effective date of departure of November 2021. Petitioner's place elected for travel was █, █ with an effective date of separation 23 November 2021, and was

¹ Reference (b), 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.

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[REDACTED]

honorably discharged upon completion of required active service. Furthermore, Petitioner's BAH at the without dependent rate for [REDACTED], [REDACTED] stopped.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following partial corrective action. The Board concluded that Petitioner should have received BAH at the with dependent rate for [REDACTED], [REDACTED] vice without dependent rate for [REDACTED], [REDACTED] effective date of marriage on 17 November 2020. In regards to DD Form 214 corrections, the statutory authority for the Board is codified in reference (a). Under said authority, the Board may only correct service records based on errors or injustices and may do so only after other avenues of administrative relief have been exhausted, therefore, the board did not address the corrections to your DD Form 214, and recommended that you contact Navy Personnel Command for said corrections—first.

RECOMMENDATION

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

Petitioner was authorized BAH at the with-dependent rate for [REDACTED], [REDACTED] from 17 November 2020 to 23 November 2021 (e.g., discharge).

Note: Defense Finance & Accounting Service (DFAS) will complete an audit of Petitioner's records to determine if Petitioner is due any back pay and allowances.

That part of 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.

6/2/2022

