



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

■
Docket No. 1475-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,
XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) DoD 7000.14-R FMR Volume 7A, Chapter 26
(c) ALNAV 026/20 of 14 Mar 20
(d) Memo for Chief Management Officer of the DoD of 20 Apr 20
(e) ALNAV 049/20 of 21 Apr 20

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 the with dependents rate based on her previous Permanent Duty Station (PDS) from 11 April 2020 to 23 July 2020.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 4 May 2020 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. In accordance with reference (b), ordinarily a housing allowance is based on the Service member's PDS, or the home port for a Service member assigned to a ship or afloat unit. However, the Service may determine that a Service member's assignment to a PDS, or the circumstances of that assignment, requires a dependent to reside separately. Authorization or approval of a housing allowance based on the dependent's location or old PDS is through the Service Secretary or through the Secretarial Process.

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When the Government defers dependent travel at Government expense to a Service member's new PDS, a with-dependent housing allowance continues to be paid at the old PDS rate, or at the rate for the dependent's location if the dependent relocated there at Government expense. In a case in which the Secretarial Process previously authorized a housing allowance based on the dependent's location, that rate continues.

c. On 24 June 2019, Petitioner was issued official change duty orders ([REDACTED]) with a required obligated service to April 2023, while stationed in [REDACTED] with an effective date of departure of January 2020. Petitioner's intermediate activity was [REDACTED] for temporary duty under instruction. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival 11 April 2020.

d. On 1 February 2020, Petitioner transferred from [REDACTED], and arrived to [REDACTED] for temporary duty under instruction.

e. On 6 March 2020, Petitioner transferred from [REDACTED].

f. Petitioner was charged leave from 6 March 2020 to 8 April 2020 (34 days).

g. In accordance with reference (c), all DON personnel will stop movement effective 16 March 2020 through 11 May 2020. Stop movement means to hold in place, this includes Permanent Change of Station (PSC) and Temporary Duty (TAD/TDY). Only local leave is authorized.

h. On 10 April 2020, Petitioner's BAH at the with dependents rate for [REDACTED] stopped.

i. On 11 April 2020, Petitioner was joined to [REDACTED] for duty. Petitioner's BAH at the with dependents rate for [REDACTED] started.

j. In accordance with reference (d), all DoD Service members will stop movement, both internationally and domestically, while this memorandum is in effect. All DoD civilian personnel, and dependents of DoD Service members and DoD civilian personnel, whose travel is Government funded will stop movement, both internationally and domestically, while this memorandum is in effect.

Except as provided below, this stop movement applies to all official travel, including TDY travel; Government funded leave travel; permanent duty travel, including PCS travel; and travel related to Authorized and Ordered Departures issued by the Department of State. For DoD Service members, it also includes personal leave outside the local area and non-official travel outside the local area.

k. In accordance with reference (e), all DON personnel, and their families, including active, reserve, and civilian personnel whose travel is government-funded will stop movement, both internationally and domestically, while MEMO/OSD/20APR20 is in effect. Except as provided below, this stop movement applies to all official travel, including but not limited to, TDY travel;

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government-funded leave travel; permanent duty travel, including PCS travel; and travel related to Authorized and Ordered Departures issued by the Department of State.

l. On 15 May 2020, Petitioner started receiving Special Duty Assignment Pay.

m. On 24 July 2020, Petitioner was issued a BAH Reconciliation ([REDACTED]) with a move out date of 24 July 2020.

n. On 10 August 2020, Commanding Officer, [REDACTED] notified Officer In Charge, [REDACTED] that Petitioner was affected by Coronavirus-2019 Travel Restriction and was unable to relocate household goods from old PDS in [REDACTED] to [REDACTED] (New PDS). Petitioner checked onboard [REDACTED], via virtual check-in while residing in Government Quarters, Privatized Housing in [REDACTED]. During this period of travel restriction, the Command was able to utilize Petitioner remotely. Petitioner did not vacate Government Quarters, Privatized Housing in [REDACTED] until 24 July 2020. Request to correct BAH from 11 April 2020 to 23 July 2020 to the [REDACTED] rate, to recover the difference in [REDACTED] BAH.

o. Petitioner was charged leave from 4 September 2020 to 13 September 2020 (10 days).

p. Petitioner was charged leave from 19 December 2020 to 27 December 2020 (9 days).

q. On 28 December 2020, Petitioner was issued official change duty orders ([REDACTED]) while stationed in [REDACTED] with an effective date of departure of January 2021. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival 31 January 2021.

r. On 1 January 2021, Petitioner was joined to [REDACTED] for duty.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. In accordance with reference (d), Petitioner was required to postpone her PCS move to [REDACTED]. Petitioner checked in to her gaining command virtually while still residing in Government Quarters, Privatized Housing at her old PDS. The Board concluded that although Petitioner's dependents were authorized travel at government expense, due to the stop movement order, neither Petitioner nor her dependents could travel to the new PDS prior to 24 July 2020.

RECOMMENDATION

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

Petitioner submitted a request to receive BAH at the with dependents rate based on dependent location in a timely manner and it was approved by cognizant authority.

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Petitioner received BAH at the with dependents rate for [REDACTED] continued from 11 April 2020 to 23 July 2020.

Petitioner received BAH at the with dependents rate for [REDACTED] effective on 24 July 2020.

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.

6/3/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]