



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

█
Docket No. 2076-22
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) The Joint Travel Regulations (2019)

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 authorized and received Overseas Cost of Living Allowance (COLA), with 3 dependents, at █ from September 2019 to November 2021.

2. The Board, consisting of █, and █ reviewed Petitioner's allegations of error and injustice on 15 June 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 14 February 2012, Petitioner married █. On 1 June 2012, Petitioner's child █ was born. On █, Petitioner's child █ was born.

c. On █ Petitioner arrived to █ for duty.

d. In accordance with reference (b), Table 9-1 OCONUS COLA and TLA for a service member with a dependent serving an unaccompanied tour or on "Unusually Arduous Sea Duty": If station allowances are authorized or approved by the same level of Secretarial approval as required for dependent travel and a dependent does not relocate in connection with the permanent change of station (PCS), then the applicable station allowance is authorized at the with dependent rate based on the old permanent duty station (PDS).

e. On 8 April 2019, Petitioner was issued official change duty orders (BUPERS order: 0989) with a required obligated service to June 2021, while stationed in █, with an effective date of departure of September 2019. Petitioner's intermediate activity was █ for temporary duty – under instruction with an effective date of arrival of 28 September 2019. Petitioner's intermediate activity was █ for temporary duty – under instruction with an effective

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date of arrival of 26 October 2019. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 27 December 2019.

f. On 1 August 2019, Head, Pay and Allowances Section (N130C) notified Petitioner that in response to request of 28 May 2019 received complete by N130C via Email on 28 July 2019, and in accordance with Joint Travel Regulations (JTR), paragraph 100902-B2b, he was authorized a dependent location-based Basic Allowance for Housing (BAH). This authorization was due to Petitioner's unaccompanied-eligible permanent change of station (PCS) orders to [REDACTED], stationed in [REDACTED].

In accordance with AT-TL-01, Tour Lengths and Tours of Duty Outside the Continental United States, a member with dependents, assigned to [REDACTED] for 24 months or less may elect an unaccompanied tour. The housing allowance for Petitioner's dependents' location shall commence no earlier than the issuance of orders, the arrival date of dependents to [REDACTED] or the date he detached from [REDACTED] whichever occurs last. The housing allowance shall continue until Petitioner arrives at the next command in connection with subsequent PCS orders detaching from [REDACTED].

Cost of living Allowance and Temporary lodging Allowance for dependents are not authorized under JTR paragraphs 0508, 0509, and 0901. Family Separation Housing Allowance-Overseas may be authorized under JTR, paragraph 100904-A.

g. On 25 September 2019, Petitioner's Overseas COLA with 3 dependents for IT067 stopped.

h. On 26 September 2019, Petitioner transferred from [REDACTED].

i. On 12 December 2019, Petitioner arrived to [REDACTED] for duty. Furthermore, Petitioner's Overseas COLA with 0 dependents for [REDACTED] started.

j. On 26 December 2019, Petitioner's Family Separation Housing (FSH) – Overseas Housing Allowance (OHA) at the without dependents rate for [REDACTED] started.

k. On 21 July 2021, Petitioner's Overseas COLA with 0 dependents for [REDACTED] stopped.

l. On 22 July 2021, Head, Pay and Allowances Section (N130C) notified Petitioner that in response to request of 28 May 2019 received complete by N130C via email on 28 July 2019, and in accordance with Joint Travel Regulations, paragraph 100902-B2b, he was authorized a continuation of housing and station allowances of his [REDACTED], stationed in [REDACTED]. This authorization is due to Petitioner's unaccompanied eligible PCS orders to [REDACTED], stationed in [REDACTED].

As an update to N130C2/19U1397 and in accordance with Joint Travel Regulations Table 9-1 and DoD FMR Chapter 68 of February 2021 Table 68-1 OCONUS COLA is authorized for the dependents based on the dependents remaining at the previous duty station.

m. On 15 March 2022, Petitioner was issued official modification to Fleet Reserve orders (BUPERS order: 0702) with a detaching date of May 2022. Petitioner's intermediate activity was [REDACTED] for temporary duty – pending separation with an effective date of arrival of 20 May 2022. Petitioner's place of entry to active duty (PLEAD) was [REDACTED] Home of selection was [REDACTED] with an effective date of retirement of 30 June 2022.

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n. On 22 July 2021, Petitioner's Overseas COLA with 3 dependents for IT067 started.

o. On 18 May 2022, Petitioner's Overseas COLA with 3 dependents for IT067 stopped. Petitioner's OHA at the with dependents rate for [REDACTED] stopped. Petitioner's FSH – OHA at the without dependents rate for [REDACTED] stopped.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that Petitioner was authorized a dependent location-based housing allowance due to Petitioner's unaccompanied-eligible permanent change of station (PCS) orders to [REDACTED]. Petitioner was initially not authorized Overseas COLA for his dependents at their location. Subsequently, N130C retroactively authorized Overseas COLA for the dependents based on the dependents remaining at the previous duty station, however, Petitioner did not receive payment for the entire period of eligibility.

RECOMMENDATION

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

Petitioner was authorized Overseas COLA with 3 dependents for [REDACTED] from 26 September 2019 to 18 May 2022.

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

That no further changes be made to Petitioner's naval record.

That a copy of this report of proceedings 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.

6/23/2022

[REDACTED]

Deputy Director

[REDACTED]