



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

[REDACTED]  
Docket No. 2246-22  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MBR [REDACTED], USN,  
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552  
(b) COMNAVPERSCOM msg dtd 101246Z JUN 10  
(c) 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 received basic allowance for housing (BAH) at the with dependent rate from 11 June 2021 through 28 January 2022.

2. The Board, consisting of [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 26 April 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 27 December 2016, Petitioner got married [REDACTED]

c. On 15 October 2018, Petitioner's BAH at the without-dependent rate for [REDACTED] started.

d. On 29 September 2020, Petitioner signed an Apartment Lease Contract with [REDACTED] Apartment Association for 12 months for a monthly rent of [REDACTED] located at [REDACTED]. Furthermore, it listed no additional occupants.

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[REDACTED]

e. On 26 February 2021, Petitioner got divorced. The divorce decree mentioned that there was no child born or adopted during the marriage and none is expected.

f. On 11 June 2021, Petitioner's child [REDACTED] was born. Child's mother is [REDACTED]. Petitioner is listed on the Birth Certificate.

g. On 28 September 2020, Petitioner signed an Apartment Lease Contract with [REDACTED] Apartment Association for 12 months for a monthly rent of [REDACTED] located at [REDACTED]. Furthermore, it listed no additional occupants.

h. On 26 January 2022, [REDACTED], child's mother wrote a letter which was notarized that both parents currently reside at [REDACTED] with their daughter [REDACTED] born [REDACTED] and mother stays home with child. Petitioner is sole monetary provider.

i. On 28 January 2022, Petitioner was discharged with a character of service of under honorable conditions (General) upon secretarial authority.

## CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of references (b)<sup>1</sup> and (c)<sup>2</sup>, the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that Petitioner's name is listed on the child's Birth Certificate and a notarized statement from the child's mother stated that she and the child resided with Petitioner and that he provided all financial support. Petitioner is entitled to BAH at the with dependent rate beginning on the date of his child's birth on [REDACTED] until his separation on 28 January 2022.

## RECOMMENDATION

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<sup>1</sup> In accordance with reference (b), this Message Targets Personnel, Administrative, Disbursing, and pass offices with current Pay/Personnel Issue.

For members stationed in-conus: in accordance with the Joint Federal Travel Regulations, Chapter 10, article u10118 adopted, illegitimate and stepchild(ren), for a child born out of wedlock, the member must provide proof of parentage in order to claim the child for housing allowance purposes. For a child born out of wedlock, a birth certificate with the member's name cited is required.

Custody is established through legal court order. In the absence of a legal custody agreement, primary custody is assumed to be with the mother, even if the child is residing with the father. Without a court order, there is no legal basis to assume the father has custody of the child.

As long as the member certifies that he/she is supporting his child in greater than the amount of BAH-Diff for his paygrade, the personnel support detachment may not require him to provide proof of support unless there are extenuating circumstances surrounding the member's situation.

<sup>2</sup> In accordance with reference (c), if a service member acquires a dependent including a dependent acquired while on authorized leave, and is not assigned Government quarters on that date, then BAH or overseas housing allowance at the with-dependent rate begins on the date the dependent is acquired. This applies to the sole dependent of a Service member.

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[REDACTED]

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

Petitioner was authorized BAH at the with-dependent rate vice at the without-dependent rate for [REDACTED], from 11 June 2021 to 28 January 2022.

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 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.

5/20/2022

[REDACTED]  
Deputy Director  
[REDACTED]