



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

■  
Docket No. 2334-22  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ■■■■■■■■■■ USNR, ■■■■■■■■■■

Ref: (a) Title 10 U.S.C. § 1552  
(b) DoD 7000.14-R FMR Volume 7A Chapter 26 and 27

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 establish Petitioner's authorizing Basic Allowance for Housing (BAH) at the with-dependent rate 18 July 2020 to 31 July 2021 and Family Separation Allowance (FSA) from 4 September 2019 to 31 July 2021.

2. The Board, consisting of ■■■■■■■■■■, and ■■■■■■■■■■ reviewed Petitioner's allegations of error and injustice on 1 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 29 September 2015, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 28 September 2019 and Soft End of Active Obligated Service (SEAOS) of 28 September 2021.

c. On 28 June 2018, Petitioner received BAH at the without dependents rate for ■■■■■■■■■■, effective 25 June 2018.

d. On 25 February 2019, Petitioner was issued official change duty orders (BUPERS order: 0569) with a required obligated service to October 2021, while stationed in ■■■■■■■■■■ with an effective date of departure of July 2019. Petitioner's intermediate activity was ■■■■■■■■■■ for temporary duty – under instruction with an effective date of arrival of 6 July 2019. Petitioner's ultimate activity was ■■■■■■■■■■ for duty with an effective date of arrival of 30 September 2019.

e. On 4 March 2019, Petitioner signed an agreement to extend enlistment for 1 month with an SEAOS of 28 October 2021 in order to incur sufficient obligated service to execute BUPERS Order 0569.

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f. On 1 July 2019, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 6 July 2019 for temporary duty.

g. In accordance with 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. 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.

Ordinarily a housing allowance is based on the Service member's Permanent Duty Station (PDS), or the homeport 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.

FSA is payable to a member serving in any grade as a member with dependents. The member must meet all general requirements and one of the following conditions. FSA-R: The member's dependents, including dependents acquired after the effective date of Permanent Change of Station (PCS) orders (see Table 27-1 (FSA Commencement Dates), rules 8 and 9), do not live in the vicinity of the member's homeport/PDS, and their transportation to or near the PDS is not authorized at government expense. FSA is payable to a member married to another member regardless of whether the member has any non-active duty dependents, when all other general conditions are met, and provided members were residing together immediately before being separated by reason of execution of military orders

h. On 3 August 2019, Petitioner married [REDACTED].

i. On 23 August 2019, Petitioner transferred, and arrived to [REDACTED] on 4 September 2019 for duty.

j. On 13 September 2019, Petitioner's BAH at the without dependents rate for [REDACTED], effective 25 June 2018 stopped.

k. On 16 June 2020, Petitioner was advanced to IT1/E-6.

l. On 2 July 2020, Petitioner's spouse signed a [REDACTED] Apartment Association apartment lease contract located at [REDACTED] effective 9 July 2020 to 8 July 2021.

m. On 17 July 2020, Petitioner's spouse completed a period of active service while in the U.S. Army Reserves from 29 January 2019 to 17 July 2020.

n. On 6 April 2021, Petitioner submitted Special Request/Authorization (NAVPERS 1336/3) requesting to receive BAH at the with dependents rate. Petitioner's request was approved on or about 14 April 2021.

o. On 16 June 2021, Petitioner was issued official separation orders (BUPERS order: 1671) while stationed in [REDACTED] with an effective date of departure of July 2021. Petitioner's place elected for travel was [REDACTED] with an effective date of separation 28 October 2021.

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p. On 30 July 2021, Petitioner transferred, and arrived to [REDACTED] on 1 August 2021 for temporary duty.

q. On 2 September 2021, Petitioner received BAH at the with dependents rate for [REDACTED] for the period of 1 August 2021 to 28 October 2021.

r. On 28 October 2021, Petitioner was honorably released from active duty and transferred to the Navy Reserve upon completion of required active service.

#### 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 was entitled to BAH at the with-dependent rate at the dependent's location once her spouse was released from active duty on 17 July 2020. Petitioner was married to another military member and she and her spouse had not resided together immediately prior to being separated by reason of execution of military orders, therefore, she was not eligible for FSA upon checking in to her unit in [REDACTED]. However, the Board concluded that Petitioner's spouse became an acquired dependent once he was released from active duty and Petitioner was eligible for FSA effective 18 July 2020.

#### RECOMMENDATION

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

Petitioner was authorized BAH at the with-dependent rate for [REDACTED], from 18 July 2020 to 31 July 2021.

Petitioner was authorized FSA-R from 18 July 2020 to 31 July 2021.

That part of Petitioner's request for corrective action that exceeds the foregoing be denied.

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.

6/17/2022

[REDACTED]

Deputy Director

[REDACTED]