

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

> Docket No. 2400-22 Ref: Signature Date



Dear :

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 30 June 2022. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies.

On 24 April 1981, State of **and the set of t**

On 28 April 1981, you entered active duty. On 29 September 1982, your dependency application (NAVMC 10922) was signed by the Commanding Officer and forwarded to the Commandant of the Marine Corps (CMC) for approval. The application listed your daughter **and application**) born on 22 October 1980. Your daughter's mother is listed as **and application**. A court order relative to support/maintenance/paternity was in effect for **application** dated 24 April 1981.

On 6 January 1983, your leave and earning statement (LES) for the month of January was prepared and listed a dependency allotment for \$205.00 to effective 1 December 1982.

On 3 September 1983, your leave and earning statement for the month of August was prepared and listed a dependency allotment for \$205.00 to ______. This was the last LES that listed the allotment.

On 27 January 1984, your dependency application (NAVMC 10922) was signed by the Commanding Officer and forwarded to CMC for approval. The application listed your daughter born on 22 October 1980. Your daughter's mother is listed as A court order relative to support/maintenance/paternity was in effect for Wright County, Minnesota dated 24 April 1981. However, it was disapproved by CMC on 2 May 1984, stating evidence of support not in accordance with Department of Defense Military pay and Allowances Entitlements Manual (DODPM).

On 19 May 1985, you were honorably released from active duty and transferred to the Marine Corps Reserve upon completion of required active service.

You requested Basic Allowance for Quarters (BAQ) on behalf of child born out of wedlock from 28 April 1981 through 19 May 1985. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that your request for BAQ in January of 1984 was denied because your monthly support payments were not equal to the BAQ at the "with dependents" rate, as required by DODPM. The only evidence in your record that shows you paid support for your daughter were LESs covering the period of December 1982 to August 1983. According to those LESs, you paid \$205.00 per month, however, the minimum amount, which equals the amount of BAQ at the with dependents rate for an E-3, was \$213.60 per month. Therefore, in the absence of sufficient new evidence for reconsideration, the decision of the Board is final.

Sincerely

Sincerery,	
	7/7/2022
Deputy Director	
Signed by:	