



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

[REDACTED]
Docket No. 3216-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED], USN, [REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) DoD 7000.14-R Chap 26
(c) NAVADMIN 101/10

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 establish Petitioner's Basic Allowance for Housing (BAH) based upon his previous duty station under the provisions of close proximity per references (b) and (c).

2. The Board, consisting of [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 26 May 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, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 16 December 2016 Petitioner joined for duty with [REDACTED].

b. On 3 February 2021 Petitioner issued BUPERS Order 0341 (Official Change of Duty Orders) detach current command during June 2021 with estimated date of arrival (EDA) of 15 July 2021 to [REDACTED], [REDACTED]. Close Proximity instructions contained in orders and Petitioner receiving BAH at PDS zip code [REDACTED] at [REDACTED] monthly rate.

c. On 21 May 2021 Petitioner certifies Dependency Application/Record of Emergency Data (NAVPERS 1070/602) indicating dependent address located in [REDACTED]

d. On 11 June 2021 Petitioner transfers from parent command with no evidence of submission for BAH under provisions of close proximity as required by reference (c).

e. On 15 July 2021 Petitioner joined for duty with [REDACTED]. BAH at new PDS zip code [REDACTED] begins at a monthly rate of [REDACTED].

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f. On 7 March 2022 the Commanding Officer, [REDACTED] submits request for Petitioner to receive BAH on provisions on In-Proximity Move to CO, Navy Personnel Command (PERS-404).

g. On 24 May 2022 Petitioner's NAVPERS 1070/602 reflects Petitioner's dependent address remains unchanged from [REDACTED]

h. Petitioner asserts he was unaware and previous command failed to inform him of the requirements for submission of BAH under the provisions of close proximity.

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 determined the Petitioner did not have approval of BAH under provisions of a close proximity move and removal of household goods (HHG) funding from his orders prior to execution of transfer as required by reference (c). The Board concluded the even though the necessary steps to request authorization for BAH at old PDS under provision of Close Proximity were not executed prior to transfer, due to significance difference in the amount of BAH, current (previous gaining) command's request for approval, and evidence Petitioner has not relocated from residence location prior or after execution of transfer and both old PDS and new PDS are within close proximity parameters required in reference (b), relief is warranted.

RECOMMENDATION

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

Petitioner requested BAH close proximity per reference (c) on 1 July 2021 and it was approved by the Commanding Officer of gaining command on 2 July 2021. BUPERS Order 0341 Official Modification to Change of duty orders removing entitlement or funding for relocation of dependents or movement of HHG is effective on 14 July 2021.

Effective 15 July 2021 upon joining [REDACTED] Petitioner's BAH continued at the old PDS zip code [REDACTED] vice [REDACTED]

Note: If Petitioner moves from established residence prior after issue date of orders, regardless of whether or not the Petitioner moves at personal expense, there is no authorization for BAH based on the previous PDS per reference (c).

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.

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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.

6/9/2022

[REDACTED]

Deputy Director

[REDACTED]