



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

[REDACTED]  
Docket No. 4440-22  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,  
XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552  
(b) NAVADMIN 101/10 of 19 Mar 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 show Petitioner received Basic Allowance for Housing (BAH) based on the previous Permanent Duty Station (PDS).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 19 July 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 3 June 2005, Petitioner got married.

c. On 26 August 2020, a Residential Deed of Lease for [REDACTED] was drafted by [REDACTED] for the period of 25 September 2020 to 30 September 2022 located at [REDACTED].

d. On 12 April 2022, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) with required obligated service to May 2025, while stationed in [REDACTED] with an effective date of departure of April 2022. Petitioner's intermediate activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 23 April 2022. Petitioner's

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ultimate activity was [REDACTED] for duty with an effective date of arrival of 13 May 2022.

e. On 22 April 2022, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 13 May 2022 for duty. Furthermore, Petitioner's BAH at the with-dependent rate for [REDACTED] was started.

f. On 16 May 2022, Commanding Officer, [REDACTED] notified Commander, Navy Personnel Command that Petitioner's dependents' location has been verified and the member meets all eligibility requirements of paragraph 261014 of DoD 7000.14-R Volume 7A, Financial Management Regulation of August 2021 to receive dependent location Basic Allowance for Housing.

g. On 2 June 2022, Petitioner submitted Special Request/Authorization (NAVPERS [REDACTED]) requesting to receive BAH at the Dependents' location. Petitioner's request was approved on 7 June 2022.

## CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2) and reference (b)<sup>1</sup>, the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that although Petitioner did not complete the steps required retain the BAH at the old PDS, Petitioner was not afforded sufficient time to comply with reference (b) prior to the execution of his orders. Petitioner's gaining command did approve his request for a close proximity move; therefore, Petitioner is eligible to receive BAH at the with dependents rate based on his previous PDS.

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<sup>1</sup> Reference (b), this NAVADMIN clarifies eligibility and procedures for execution of a close proximity move. The following policy is in accordance with Title 37 U.S. Code Section 403 and Joint Federal Travel Regulations 1 November 2008 and supersedes any guidance on BAH as it pertains to close proximity moves listed in OPNAVINST 7220.12 and NAVADMIN 026/09.

Service members who have not executed their orders are eligible to remove the household goods (HHG) funding from those orders in order to fall under the provisions of a close proximity move and may be eligible to receive BAH based on the previous PDS.

Service members with or without dependents who are reassigned within the continental United States, maintain an established residence, and still commute daily to their new PDS or homeport, may qualify for BAH based on their previous PDS under the provisions of a close proximity move.

To qualify for BAH based on the previous PDS, the following provisions must be met: funding for a HHG move must not be authorized, the member must maintain a continuous residence. The member must have established a continuous residence at the previous PDS prior to receiving his/her new orders, the member must commute daily to the new PDS from the same residence. Finally, to receive BAH based on the old PDS, the member must complete the below steps prior to the execution of orders: request authorization from the gaining commanding officer to receive BAH based on his/her previous duty station. Gaining commanding officers should ensure that member is maintaining a continuous residence and that the commuting distance from that continuous residence is reasonable for the geographic location of the assignment. If approved by the gaining commanding officer, the member must send the approval letter to his/her detailee in order to get the HHG funding removed from his/her orders. Once HHG funding is removed from the orders and the orders are re-issued, the member must take the approval letter and the orders to Personnel Support Detachment upon check in to the gaining command to have BAH based on the previous duty station continued.

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## RECOMMENDATION

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

Petitioner's request for a close proximity move was approved by cognizant authority prior to executing orders. Furthermore, prior to execution, Petitioner's orders were modified to remove funding for a HHG move.

Petitioner was authorized BAH at the with-dependent rate for [REDACTED] from 13 May 2022 to present. Navy Personnel Command will make adjustments to Petitioner's BAH as directed.

Note: if Petitioner moved from his residence during this period, he will no longer be authorized BAH at the old PDS.

A copy of this Report of Proceedings will 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.

8/1/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]