



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

[REDACTED]
Docket No. 5079-22
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) OPNAVINST 7220.12 of 24 Dec 05

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 show Petitioner received Basic Allowance for Housing (BAH) from 30 June 2020 to 7 August 2020.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 4 August 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. In accordance with reference (b), Navy policy restricts eligibility to berth ashore for single shipboard Sailors E-5 and E-4 (with greater than four years of service), contingent upon the approval of their commanding officer. This approval, however, does not constitute an authorization to receive a housing allowance, but simply allows the member to reside off the ship.

The shore-based facility commander shall make the determination whether the member will be berthed in single bachelor quarters or entitled to draw an off-base housing allowance. It should be noted that full utilization of BQ spaces should be ensured prior to authorization of BAH for shipboard E-4s over four years of service without dependents. However, senior personnel

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residing in the BQ will not be involuntarily displaced to provide berthing for single shipboard E-4 Sailors.

c. On 20 June 2017, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 19 June 2021 and Soft End of Active Obligated Service (SEAOS) of 19 June 2022.

d. On 19 July 2017, Petitioner was issued official change duty orders [REDACTED] while stationed in [REDACTED] with an effective date of departure of August 2017. Petitioner's intermediate (1) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 26 August 2017. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 19 October 2017 with a Projected Rotation Date (PRD) of May 2022.

e. On 23 September 2017, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 8 October 2017.

f. On 2 March 2020, Petitioner was advanced to LS2/E-5.

g. On 16 March 2020, Petitioner began to receive BAH at the without dependent rate for [REDACTED].

h. On 29 June 2020, Petitioner's BAH at the without dependent rate for [REDACTED] stopped.

i. On 30 June 2020, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 30 June 2020 for duty.

j. On 9 July 2020, Petitioner submitted Special Request/Authorization (NAVPERS 1336/3) requesting to receive BAH. Petitioner's request was approved by cognizant authority on 8 August 2020.

k. On 28 July 2020, Petitioner was issued official change duty orders [REDACTED] while stationed in [REDACTED] with an effective date of departure of August 2020. Petitioner's ultimate activity was [REDACTED] for duty (Limited duty) with an effective date of arrival of 15 August 2020 with a PRD of February 2021.

l. On 4 August 2020, Unaccompanied Housing [REDACTED] certified that Petitioner had never resided in Unaccompanied Housing [REDACTED].

m. On 8 August 2020, Petitioner's BAH at the without dependent rate for [REDACTED] started.

n. On 14 August 2020, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 14 August 2020 for duty.

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o. On 18 August 2020, Unaccompanied Housing [REDACTED] certified that Petitioner had never resided in Unaccompanied Housing [REDACTED].

p. On 28 August 2020, Petitioner submitted Special Request/Authorization (NAVPERS 1336/3) requesting permission to continue to receive single [REDACTED] BAH. Petitioner's request was approved by cognizant authority on 14 October 2020.

q. On 5 May 2022, Petitioner submitted Special Request/Authorization (NAVPERS 1336/3) requesting to receive back pay for single BAH, for the period of 30 June 2020 to 7 August 2020. Petitioner's request was approved by cognizant authority on 20 May 2022.

r. On 20 May 2022, Commanding Officer, [REDACTED] notified Commanding Officer, [REDACTED] that Petitioner was approved for single E-5 BAH on 8 August 2020. During the period she was not receiving BAH she never occupied government quarters. Petitioner never received BAH from her check in date 30 June 2020 to 7 August 2020 when NAVPERS 1336/3 Approved BAH Chit was approved. She incurred a credit card debt for living expenses from 30 June 2020 to 7 August 2020 while BAH was withheld. Request for an Exception to Policy for Petitioner to be approved for E-5 Single BAH back pay from 30 Jun 2020 to 7 Aug 2020.

s. On 1 June 2022, Commanding Officer, [REDACTED] notified Commanding Officer, [REDACTED] that single Basic Allowance for Housing from 30 June 2020 to 7 August 2020 was approved.

t. Petitioner was transferred to the Temporary Disability Retired List with a Honorable character of service and was issued a DD Form 214 for the period of 20 June 2017 to 18 June 2022 due to temporary disability.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that Petitioner was receiving BAH at the without dependents rate prior to her transfer and her new duty station failed to start BAH when Petitioner checked in. Petitioner provided evidence that she never resided in Government Quarters and the installation commander for [REDACTED] subsequently approved the BAH allowance for the period of 30 June 2020 through 7 August 2020, however, Petitioner never received the entitlement for that period.

RECOMMENDATION

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

Petitioner was credited with BAH at the without dependent rate for [REDACTED] from 30 June 2020 to 7 August 2020.

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Note: Defense Finance and Accounting Service (DFAS) will complete an audit of Petitioner's records to determine if Petitioner is due any back pay.

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.

8/16/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]