



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

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Docket No. 6274-22  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MBR [REDACTED], USN,  
[REDACTED]

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

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 his naval record be corrected to establish Petitioner's eligibility to receive Basic Allowance for Housing (BAH) at the with dependent rate from the date of his marriage.

2. The Board, consisting of [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 12 October 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. On 16 June 2016 Petitioner was advanced to CTR2/E-5.
- b. On 9 February 2019 Petitioner began to receive BAH and Cost of Living Allowance (COLA) at the without-dependent rate for [REDACTED]
- c. On 20 February 2020 Petitioner got married [REDACTED]
- d. On 3 March 2020 Petitioner signed a Record of Emergency Data (DD Form 93) listing his spouse residing at [REDACTED]
- e. On 26 July 2021 Petitioner signed a DD Form 93 listing his spouse residing at [REDACTED]
- f. On 21 December 2021 Petitioner signed an Administrative Remarks (NAVPERS 1070/613) that "I hereby understand that my eligibility of BAH with dependents is based upon the dependents listed on my NAVPERS 170/602. I further understand that if there is a change in dependency status (marriage, divorce, death, or birth), dependents address, and/or assignment to government quarters that I must immediately notify Personnel Officer and update my NAVPERS 1070/602. I also certify that the address shown below is the primary residence of my dependents."

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g. Petitioner was discharged with an honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 13 April 2011 to 22 February 2022 upon completion of required active service. Furthermore, Petitioner's BAH at the without-dependent rate for [REDACTED] stopped.

h. On 7 March 2022 Petitioner's COLA stopped effective 15 January 2022.

i. On 14 March 2022 Petitioner was charged terminal leave for the period of 25 December 2021 to 22 February 2022 (60 days).

## CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of reference (b)<sup>1</sup> and enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that Petitioner was not assigned Government Quarters upon reporting to his Permanent Duty Station (PDS) in Hawaii and was authorized BAH at the without dependent rate. Petitioner subsequently acquired a dependent spouse on 20 February 2020. In accordance with reference (b), Petitioner was entitled to BAH at the with dependents rate at the dependent's location beginning the date of marriage. Petitioner was entitled to Family Separation Housing (FSH-B) at the PDS location from the date of marriage because Petitioner was assigned to a PDS in [REDACTED] or [REDACTED] to which concurrent travel has been denied. Finally, Family Separation Allowance (FSA)-R was authorized because he acquired his dependent after he executed his orders and before the date of departure on subsequent reassignment PCS and she did not live in the vicinity of the PDS. FSA-R was effective the date he acquired his dependent. Termination dates for FSH-B and FSA-R will be determined by DFAS.

## RECOMMENDATION

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

Petitioner was authorized BAH at the with dependents rate for [REDACTED], from 20 February 2020 to 22 February 2022.

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<sup>1</sup> Reference (b), when a Service member acquires a dependent, for example, through marriage, birth, or adoption, a with-dependent housing allowance is authorized as of the date the dependent is acquired. PDS Outside the Continental United States (OCONUS). When a Service member is assigned at a PDS OCONUS and the dependent does not reside at or near the PDS OCONUS, the housing allowance is based on the dependent's location. If the dependent does reside at or near the PDS OCONUS, the housing allowance is based on the PDS OCONUS.

Family Separation Housing (FSH-B) is payable for an assignment at a PDS in [REDACTED] or [REDACTED] or to a PDS in the CONUS to which concurrent travel has been denied. FSH-B is payable in a monthly amount equal to the BAH without-dependent rate applicable to the Service member's grade and PDS. Payment starts upon submission of proof that Government quarters are not available and that the Service member has obtained private-sector housing.

Table 26-29 Changes in BAH or Overseas Housing Allowance. When a Service Member Assigned OCONUS Acquires a Dependent. If the dependent is located in the Continental United States (CONUS), [REDACTED] or [REDACTED] (BAH area) and not at or near the PDS and Government quarters are not available for the Service member, then stop BAH at the without-dependent rate the day before the dependent is acquired. Start BAH at the with-dependent rate based on the dependent's location on the date the dependent is acquired. Start FSH-B or FSH-O based on the PDS on the date the dependent is acquired.

Table 27-1 FSA commencement dates. When an eligible member acquires dependent after the effective date of the PCS orders (note 3), but before member's date of departure on subsequent reassignment PCS and dependent does not live at or near the member's PDS (where member is not entitled to FSA-R) and the member is not on TDY or TAD then FSA credit starts FSA-R on date member acquires dependent.

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[REDACTED]

Petitioner was authorized FSH-B and FSA-R based on PDS [REDACTED] effective 20 February 2020.

Note: Defense Finance & 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.

10/31/2022

[REDACTED]

Deputy Director

[REDACTED]