



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

[REDACTED]  
Docket No. 7133-22  
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 was eligible for and received Basic Allowance for Housing (BAH) at old Permanent Duty Station (PDS) based on execution of a close proximity move.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 4 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. 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 Basic Allowance for Housing (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.

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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 detailer 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 (PSD) upon check in to the gaining command to have BAH based on the previous duty station continued.

Back-To-Back close proximity moves. A member who qualifies (as stipulated above) and executes Back-To-Back close proximity moves that result in a return to a permanent duty station in the original military housing area is generally not authorized to maintain BAH at the previous PDS rate. In this case, the member may experience a reduction in BAH, since the member's housing decision was made based on the last Permanent Change of Station (PCS) move that authorized reassignment to that geographic area.

c. On 3 March 2022, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) while stationed in [REDACTED] with an effective date of departure of July 2022. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 8 August 2022 and a Projected Rotation Date (PRD) of August 2025.

This transfer funded for member and authorized dependents as reflected on service record page two and other supporting documents. Members who receive PCS orders when their old and new Permanent Duty Stations are within close proximity to each other (based on a Reasonable commute determined by the gaining co) may be eligible to receive a close proximity waiver and receive BAH based on their old PDS location. See NAVADMIN 101/10 for waiver eligibility requirements and procedures. Go to:  
<https://WWW.Mynavyhr.Navy.Mil/Bupers-Npc/Reference/Messages/Documents3/NAV2010/NAV10101.txt>.

d. On 10 July 2022, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 1 August 2022 for duty.

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e. On 12 August 2022, Petitioner's BAH at the with-dependent rate for [REDACTED] stopped effective 31 July 2022. Furthermore, Petitioner was authorized BAH at the with-dependent rate for [REDACTED], effective 1 August 2022.

f. On 6 September 2022, Petitioner submitted an Electronic Personnel Action Request (NAVPERS 1306/7) requested exception to policy and approval of his close proximity move request due to financial hardship. Petitioner's request was approved by cognizant authority on 9 September 2020, stating, "This is a request that is out of sequence of policy that was established in 2010. To be fair to our sailors, the onus should not be on the sailor in all cases. I consider his commute to be reasonable and normal for this area."

## CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of reference (b) and enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. Although Petitioner did not follow the procedure to request to continue to receive BAH based on his old PDS prior to the execution of his orders, Petitioner's gaining command approved his request and certified that Petitioner was commuting from his previous residence and that the commute was reasonable for the area. Furthermore, Petitioner did not move HHG in conjunction with his orders; therefore, the Board agreed that Petitioner is eligible to receive BAH at the with dependents rate based on the old PDS.

## 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 (BUPERS order: [REDACTED]). 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 1 August 2022 to present. Note: If Petitioner moved from his residence during this period, he will no longer be authorized BAH at the old PDS.

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

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corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

10/12/2022

