



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

█
Docket No. 7210-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █, USN, XXX-XX-█

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

Encl: (1) DD Form 149 w/attachments
(2) OCNO memo 7431 Ser N130C2/22U1599, 2 Nov 22
(3) 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 be paid the amount of \$3,981 for insufficient payment of basic allowance of housing (BAH).

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 8 November 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 27 December 2019 Petitioner arrived to █ for duty. Furthermore, Petitioner's BAH at the without dependents rate for █ started.

b. On 19 February 2021 Petitioner got married in █, and on 29 March 2021 Petitioner signed a Records of Emergency Data (DD Form 93) listing his spouse.

c. On 28 October 2021 Petitioner signed a Dependency Application (NAVPERS 1070/602) listing his spouse. Petitioner was updating dependent information due to getting married.

d. On 23 November 2021 Petitioner's BAH at the with dependents rate for █ started effective 16 September 2021, and on 30 November 2021 BAH was reported again for █ effective 19 February 2021.

e. On 8 July 2022 Petitioner transferred from █.

f. On 24 July 2022 Petitioner arrived to █ for duty. Furthermore, Petitioner's BAH at the with dependents rate for █ started.

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

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of reference (b)¹ and enclosure (2),² the Board finds the existence of an injustice warranting the following partial corrective action. The Board concluded that Petitioner was entitled to BAH at the with dependents rate, for [REDACTED], effective the date of marriage—19 February 2021. The Board noted that there is evidence Petitioner attempted to update his record to include his spouse in a timely manner, however, his pay account did not reflect the entitlement until 23 November 2021 which was backdated, and later adjusted again on 30 November 2021. However, the Board believed there may be a shortage of BAH when the 30 November 2021 BAH was reported. Therefore, recommended that Petitioner's BAH payments be audited by Defense Finance & Accounting Service (DFAS) for the periods of 19 February 2021 through 23 July 2022 at the with dependents rate for [REDACTED].

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 19 February 2021 to 23 July 2022.

Note: DFAS will complete an audit of Petitioner's records to determine if Petitioner is due any back pay.

That part of the Petitioner's request for corrective action that exceeds the foregoing be denied.

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.

11/10/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]

¹ 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.

² Enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.