



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

██████████
Docket No. 7885-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████, USN, ██████████

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) 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 authorized Basic Allowance for Housing (BAH) at the with dependents rate for ██████████ from 8 June 2022 through 1 August 2022.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 10 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. 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), 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.

c. In accordance with reference (b), when a Permanent Change of Station (PCS) order has been issued, the Service member's family may perform PCS travel at a different time than the Service member. Housing Allowance Based on Dependent's Location or Old Permanent Duty Station (PDS). Unless otherwise authorized or approved, a Service member's housing allowance is based on the PDS. If authorized or approved through the Secretarial Process, a Service member may be authorized a housing allowance based on the location at which a dependent maintains a permanent residence or the old PDS. Situations that are routinely authorized or approved at a lower level than the Service Secretary are listed in subparagraph 10.2.2. An example of advance travel is the member's family travels ahead to get settled before school starts. An example of delayed travel is the family remains at the old PDS until the school year ends. Advance Travel. In all cases of advance travel, if the Service member is assigned Government quarters at the old PDS and a housing allowance has not been approved by the Secretarial process for the dependent's location, do not start either BAH or Overseas Housing Allowance (OHA).

Subj: REVIEW OF NAVAL RECORD OF [REDACTED], USN, [REDACTED]

d. On 21 March 2022, Petitioner was issued official change duty orders (BUPERS order: 0802) while stationed in [REDACTED], [REDACTED] with an effective date of departure of July 2022. Petitioner's ultimate activity was [REDACTED], [REDACTED] for duty with an effective date of arrival of August 2022.

e. On 27 May 2022, Petitioner submitted Special Request/Authorization (NAVPERS 1336/3) requesting approval to begin receiving BAH for his next duty station's location since his spouse conducted advance travel of dependent to take care of new home purchase. Petitioner's request was approved by cognizant authority on 27 May 2022.

f. On 31 May 2022, CWT Sato Travel issued Petitioner's spouse a flight Itinerary departing on 3 June 2022 from [REDACTED], [REDACTED] and arriving to [REDACTED], [REDACTED] on 4 June 2022.

g. On 8 June 2022, Administrative Remarks (NAVPERS 1070/613) was signed by Petitioner listing his spouse's address as [REDACTED], [REDACTED] and requesting BAH at the with dependents rate for the dependent's location. It was witnessed by cognizant authority at the old PDS.

h. On 2 June 2022, Department of the [REDACTED], [REDACTED] notified Petitioner of termination of assignment to Family Housing effective 8 June 2022.

i. On 11 July 2022, Petitioner signed a Records of Emergency Data (DD Form 93) listing his spouse residing at [REDACTED], [REDACTED].

j. On 20 July 2022, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 1 August 2022 for duty. Furthermore, Petitioner's BAH at the with dependents rate for [REDACTED], [REDACTED] started.

k. On 29 September 2022, Command Pay and Personnel Admin, Camp Courtney notified Petitioner that he unfortunately does not have an N130 approval for Petitioner's wife's advanced travel. Personnel Admin was unaware of Petitioner needing one since Petitioner was the only person he has submitted an advance return for. Personnel Admin just processed as a normal PCS and TSC and NAVPTO issued tickets. Petitioner's case in Sales Force and was closed out due to not having N130 approval. It stated in the case that "SVM needs to re-submit at gaining command." Personnel Admin apologized he was unaware. He has now since added that to their SOP for future Sailors who request this.

l. On 11 October 2022, Commanding Officer, [REDACTED] (First Endorsement on Petitioner's letter of 3 October 2022) notified Head, Military Pay and Compensation Policy that Petitioner's request for advance travel of dependents is being Forwarded, and recommending approval.

m. On 14 October 2022, Distribution Policies and Procedures (PERS-451H) notified [REDACTED], [REDACTED], [REDACTED] that Request for Advanced Dependent Travel in Petitioner's case has been received. Unfortunately, the explanation provided in the request is not supported by the authorized criteria in the attached policy, therefore they are unable to authorize Petitioner's request for advanced dependent travel or BAH at the ultimate PDS. Provided Petitioner is eligible in all other respects, BAH should be based on the PDS in accordance with DODFMR Chapter 26, para 10.2.2 when member arrives at the ultimate duty station. If Petitioner feels that the situation warrants an exception to policy, an exception to policy request will require the entire first package to be submitted to include this denial email along with a new letter from Petitioner explaining why this case warrants an exception as well as any additional supporting documentation to support such a request. In addition, the package will also require a new CO's endorsement specifically addressing why Petitioner should be granted an exception. Both the CO and

Subj: REVIEW OF NAVAL RECORD OF [REDACTED], USN, [REDACTED]

Petitioner should provide reference support for their justification. Consideration should be made as to how the case is unique and unlike any other case. OPNAV N130's email is nxag_n130c@navy.mil.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2), the Board finds the existence of an injustice warranting the following partial corrective action. The Board concluded there was no evidence Petitioner was approved to receive BAH at the dependent location prior to his spouse's departure from the old PDS, however, the Board determined that a housing allowance for dependent's location upon termination of family government quarters could be provided beginning 8 June 2022. Petitioner began to receive BAH at the with dependent rate for [REDACTED], [REDACTED] on 1 August 2022, therefore, the Board agreed that he is only eligible to retroactive payment of the entitlement for the period of 8 June 2022 to 31 July 2022.

RECOMMENDATION

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

Petitioner submitted advance dependent travel and BAH at dependents location requests in a timely manner. Furthermore, the requests were received and approved by cognizant authority.

Petitioner was authorized BAH at the with dependents rate for [REDACTED], [REDACTED], from 8 June 2022 to 31 July 2022.

Note: Defense Finance & Accounting Service (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.

11/14/2022

