

DEPARTMENT OF THE NAVY

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

> Docket No. 8304-22 Ref: Signature Date



Dear

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 14 February 2023. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies. In addition, the Board considered the advisory opinion by the Office of the Chief of Naval Operations memorandum 7431 Ser N130C2/22U0025 of 5 January 202[3] and your response to the opinion.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

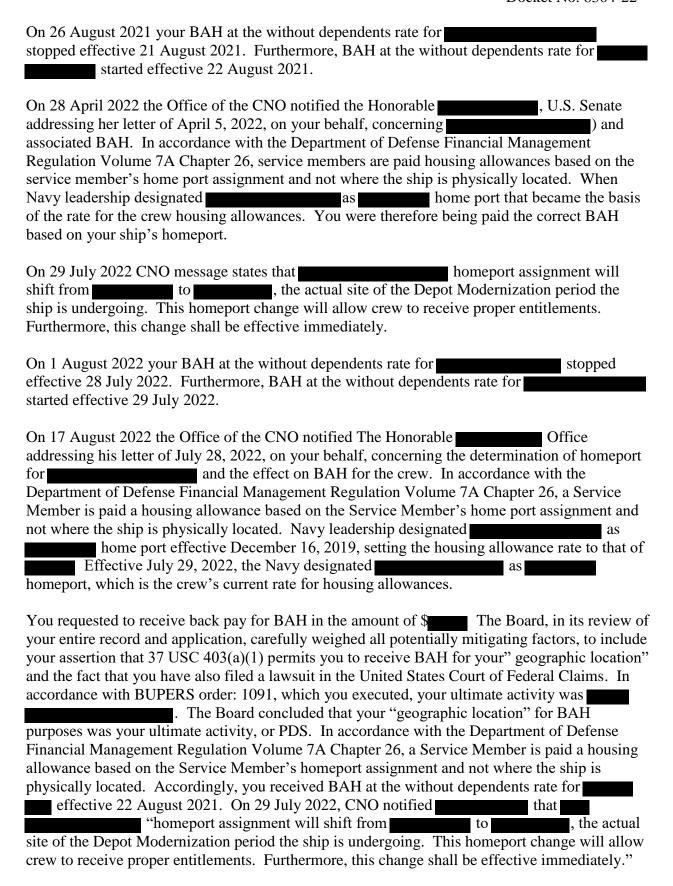
In accordance with 37 USC 403(a)(1), except as otherwise provided by law, a member of a uniformed service who is entitled to basic pay is entitled to a basic allowance for housing (BAH) at the monthly rates prescribed under this section or another provision of law with regard to the applicable component of the BAH. The amount of the BAH for a member will vary according to the pay grade in which the member is assigned or distributed for basic pay purposes, the dependency status of the member, and the geographic location of the member. The BAH may be paid in advance.

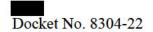
In accordance with DoD 7000.14-R Financial Management Regulations, Volume 7A, Chapter 25, the pay policies and requirements established by the DoD in this chapter are derived

primarily from, and prepared in accordance with the United States Code (U.S.C.), including Titles 10 and 37. A Service member on Active Duty entitled to basic pay is authorized a housing allowance based on his or her grade, rank, location, and whether he or she has any dependents. A housing allowance generally is not authorized for a Service member who is assigned to appropriate and adequate Government quarters (see Section 8.0 for Government quarters).

Unless specifically authorized elsewhere in this Chapter, Permanent Duty Station (PDS) housing allowance eligibility starts on a Service member's reporting day to a new PDS. When a home port change is involved, ordinarily a housing allowance based on the rate for the new home port starts on the effective date of the home port change.

On 27 September 2019 Navy Organization Change Request (OPNAV 5400/1) was issued with a promulgation date of an an an effective date of an an effective date of an an effective date.
will shift homeport from to to conduct an extended Dry dock Selected Restricted Availability (EDSRA) from to
On 12 December 2019 the Chief of Naval Operations (CNO) message stating that the is scheduled to shift homeport from to to conduct an Extended Dry-dock Selected Restricted Availability, as requested. This homeport assignment change shall be effective with immediate promulgation.
On message stating that in accordance with OPNAVINST 5400.44A and Homeport Reassignment for to change homeport effective date from to
On 19 April 2021 you were issued official change duty orders (BUPERS order: 1091) while stationed in with an effective date of departure of volume activity was for duty with an effective date of arrival of August 2021, with a Projected Rotation Date (PRD) of August 2023.
On 14 June 2021 you were issued official modification to change duty orders (BUPERS order: 1091) while stationed in with an effective date of departure of July 2021. Your intermediate (1) activity was for temporary duty under instruction with an effective date of arrival of Your ultimate activity was for duty with an effective date of arrival of, with a PRD of
August 2023.
On 8 July 2021 you transferred from an arrived to duty on a control of to duty





Accordingly, your BAH entitlement changed effective 29 July 2022. Based on the rules and regulations and the effective date of the homeport assignment shift, you are not eligible for BAH at the without dependents rate, retroactive to 22 August 2021, for the effective, a change to your record is not warranted. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

