



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

[REDACTED]  
Docket No. 8751-22  
Ref: Signature Date

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

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

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) Advisory opinion by OCNO N130C2,5 Jan 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 receive basic allowance for housing (BAH) at the with dependent rate for Saratoga County for the duration of mobilization.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 21 February 2023 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. On 13 July 2020 Petitioner was issued official recall to active duty orders (BUPERS order: 1950) in order to support of contingency operation: DOD support for COVID-19 outbreak, while residing at [REDACTED] Petitioner's activation activity was [REDACTED] [REDACTED] for temporary duty with an effective date of arrival of 27 August 2020. Petitioner's ultimate activity was [REDACTED] for active duty with an effective date of arrival of 30 August 2020, with an estimated ultimate activity detach date of 30 September 2021. Note, BAH will be paid based on member's current primary address in NSIPS, members are advised to ensure that information is accurate.

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b. On 8 August 2020 Petitioner signed a Record of Emergency Data (DD Form 93) listing his spouse and children, and living at [REDACTED]. Furthermore, Petitioner's spouse is a MM1 in the inactive U.S. Navy Reserve.

c. On 13 September 2020 Petitioner's BAH at the without dependents rate for County Cost Group 12010 effective 27 August 2020 started.

d. On 23 March 2021 Petitioner was issued official release from active duty orders (BUPERS order: 0821) with a home address of [REDACTED], while stationed in [REDACTED] [REDACTED] with an effective date of departure of 2 April 2021. Petitioner's intermediate activity was [REDACTED] for temporary duty with an effective date of arrival of 3 April 2021.

e. On 2 April 2021 and 6 April 2021 Petitioner was issued mobilization order. This served as authority to modify [REDACTED] reserve orders one dated 13 July 2020 accounting data.

f. Petitioner was released from active duty and transferred the Naval Reserve with an honorable character of service and was issued a DD Form 214 for the period of 27 August 2020 to 8 May 2021 upon completion of required active service. Furthermore, the following information was listed: block 7a (Place of entry into active duty) [REDACTED] block 7b (Home of record at time of entry) [REDACTED] and block 19a (Mailing address after separation) [REDACTED]

g. On 24 May 2021, Petitioner signed an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) in the inactive U.S. Navy Reserve as an Ensign with a permanent grade date/present grade date of 13 April 2021 with a designator code of 1465 (Engineering Duty Officer who is in the process of completing the prescribed program leading to designation as 144X).

h. On 25 May 2021, Petitioner's BAH at the without dependents rate for County Cost Group [REDACTED] effective 8 May 2021 stopped.

## 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),<sup>2</sup> 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 the duration of his mobilization order from 27 August 2020 to 8 May 2021, however, only received BAH at the without dependents rate.

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<sup>1</sup> Reference (b), an RC member called or ordered to AD in support of a contingency operation is authorized BAH or OHA based on the primary residence beginning on the first day of AD. This rate is authorized even for duty of 30 or fewer days. This rate continues for the duration of the tour unless the RC member is authorized PCS HHG transportation, in which case the rate for the PDS would apply on the day the RC member reports to the PDS.

<sup>2</sup> 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 partial favorable action.

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Regarding Petitioner's request to change the location for BAH purposes, housing allowances are set by the Office of Under Secretary of Defense which provide rates based on zip codes not specific towns. Petitioner's address with zip code [REDACTED] is listed in his orders, his DD Form 214, and DD Form 93. Reference (b) states that an RC member called or ordered to AD in support of a contingency operation is authorized BAH or OHA based on the primary residence beginning on the first day of AD. Furthermore, BUPERS order: 1950 specifically states that BAH will be paid based on member's current primary address in NSIPS. The Board concluded that Petitioner is entitled to BAH at the with dependents rate based on zip code [REDACTED] from 27 August 2020 to 8 May 2021.

#### RECOMMENDATION

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

Petitioner was authorized BAH at the "with dependents" vice "without dependents" rate for [REDACTED], from 27 August 2020 to 8 May 2021.

Note: Defense Finance & Accounting Service 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.

2/27/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]