



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

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Docket No. 8836-22
Ref: Signature Date

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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 26 January 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.

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 the DoD 7000.14-R FMR, Volume 7A, Chapter 26, Assignment to Government quarters affects a Service member's eligibility for Basic Allowance for Housing (BAH). A housing allowance, other than BAH-Partial or BAH-Diff, is not authorized for a Service member who is assigned to Government quarters appropriate to the Service member's grade, rank, or rating and adequate for the Service member and dependents, if any. A housing allowance continues to accrue through the day before a Service member is assigned Government quarters or begins to occupy Government quarters at the Permanent Duty Station (PDS). Housing allowance accrues from the date the assignment to Government quarters ends or the date that quarters are vacated.

Table 26-6 states that if a Service member is furnished Government quarters at the PDS, adequate for the Service member and any dependents, then stop BAH or Overseas Housing Allowance (OHA) at midnight the day before quarters are assigned or, if definite assignment was not made, the day before occupancy begins. Note: When a dependent is prevented from occupying the assigned quarters due to an order from an appropriate authority, BAH or OHA continues until transportation is arranged for Household Goods (HHG) and is available for the dependent (if prompt application is made) plus the normal travel time for a dependent to reach the Service member's station using a direct route.

On 7 August 2015 you got married. On 29 October 2018 you were issued official change duty orders (BUPERS order: 3028) with required obligated service to July 2022, while stationed in ██████████ with an effective date of departure of June 2019. Your ultimate activity was ██████████ for duty with an effective date of arrival of 17 July 2019, with a Projected Rotation Date (PRD) of July 2022. This transfer funded for member and authorized dependents as reflected on service record page two and other supporting documents. Per JTR U5215, dependents acquired on or prior to the effective date of orders are authorized travel/transportation allowances from the place at which acquired to the new PDS up to the travel/transportation entitlement for travel from old PDS to the new PDS.

On 15 April 2019 the U.S. Department of State notified your spouse that the Department of State has determined that he was ineligible to receive passport services. This determination was based on Section 5 I.60(a) (2) of Title 22 of the Code of Federal Regulations and the certification of the Secretary of Health and Human Services (HHS) that he was in arrears of child support. This decision is not appealable with the Department of State. He must make appropriate arrangements with the relevant state child support agency within ninety (90) days from the date of this message, after which he must notify their office in via e-mail or the phone number listed below. After he has made the necessary payment arrangements with the relevant state agency, please allow 5-10 business days before calling SIA to give HHS enough time to notify Passport Services.

On 1 July 2019 you were issued official modification to change duty orders (BUPERS order: 3028) with required obligated service to October 2022, while stationed in ██████████ with an effective date of departure of September 2019. Your ultimate activity was ██████████ for duty with an effective date of arrival of 30 September 2019, with a PRD of October 2022.

On 17 September 2019 you transferred from ██████████, and arrived to ██████████ on 3 October 2019 for duty.

On 17 September 2019 the Housing Department – ██████████ (██████████) certified by Assignment Clerk. Move-in/BAH stop date was 30 September 2019. Door to Door Moves - BAH will be terminated on the date of arrival to the ██████████ area (including weekends and holidays).

On 30 September 2019 your spouse signed a residential lease agreement located at ██████████ effective 3 August 2019 month to month until tenancy was terminated. On 2 October 2019, your BAH at the with dependents rate for ██████████ ██████████ stopped.

On 5 May 2020 you were issued official change duty orders (BUPERS order: 1260) while stationed in ██████████ with an effective date of departure of May 2020. Your ultimate activity was ██████████ ██████████ for duty (Limited Duty) with an effective date of arrival of 22 June 2020, with a PRD of January 2021.

On 20 May 2020 you were issued official modification to change duty orders (BUPERS order: 1260) while stationed in ██████████ with an effective date of departure of June 2020. Your ultimate activity was ██████████ for duty (Limited Duty) with an effective date of arrival of 22 July 2020, with a PRD of January 2021.

On 3 June 2020 the Housing Department – ██████████ (Family Housing Vacate Form) certified by Housing Inspection's. Unit Vacate Date was 8 June 2020.

On 11 June 2020 you transferred from █, and arrived to █ on 16 July 2020 for temporary duty. On 16 July 2020, your BAH at the with dependents rate for █ started.

You requested consideration of BAH at dependent location 92029 or 93010 for the period of 3 October 2019 to 16 July 2020; the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that BUPERS order: 3028 and its modification authorized travel and transportation allowances for your dependents, which you executed. You were assigned family government quarters, █ during the period of 30 September 2019 to 8 June 2020. In accordance with the DoD 7000.14-R FMR, BAH is not authorized for a Service member who is assigned to Government quarters appropriate to the Service member's grade, rank, or rating and adequate for the Service member and dependents. Furthermore, in accordance with the Statement of understanding as part of the Housing Department – █ (NASSIG Housing Assignment Agreement) BAH will be terminated on the date of arrival to the Sigonella area. Although your spouse was denied issuance of a passport due to non-payment of child support, he was given an opportunity to make arrangements with the relevant state child support agency in order for the restriction to be lifted. You provided no evidence to indicate the appropriate arrangements were made.

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.

Sincerely,

1/30/2023

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