



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

██████████  
Docket No. 471-23  
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 20 April 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 accordance with OPNAVINST 7220.12 published on 24 December 2005, Navy policy restricts eligibility to berth ashore for single shipboard Sailors E-5 and E-4 (with greater than four years of service), contingent upon the approval of their commanding officer. This approval, however, does not constitute an authorization to receive a housing allowance, but simply allows the member to reside off the ship. The shore-based facility commander shall make the determination whether the member will be berthed in single bachelor quarters or entitled to draw an off-base housing allowance.

On 2 December 2013, your child was born. On 6 December 2019, you got divorced. The parties agree that Husband shall pay to Wife, alimony in the amount of \$300.00 per month for a period of three (3) years beginning on the first day of the month following the entry of the Divorce Decree.

On 28 February 2020, you transferred from ██████████ and arrived to ██████████ on 28 February 2020 for duty. On 14 September 2020, you notified your command of your marital status via Dependency Application/Record of Emergency Data (NAVPERS 1070/602) and you were required to pay child support in the amount of \$1,339.84.

On 14 September 2020, your Basic Allowance for Housing (BAH) at the with-dependents rate was stopped effective 6 December 2019. On 5 October 2020, you signed a Waiver/Remission of Indebtedness Application (DD Form 2789) pertaining to a BAH overpayment of \$25,334.99. On 27 October 2020, your request was approved by your command.

On 16 October 2020, you were credited with BAH Differential for the period of 7 December 2019 to 5 October 2020. On 12 November 2020, your BAH at the with dependents rate was started effective 6 October 2020.

You requested to receive BAH at the with dependents rate from 7 December 2019 to 5 October 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 in accordance with OPNAVINST 7220.12, the shore-based facility commander shall make the determination whether the member will be berthed in single bachelor quarters or entitled to draw an off-base housing allowance. You provided documentation reflecting addresses in both [REDACTED] and currently your master military pay account reflects on 12 November 2020 you began receiving BAH at the with dependent rate effective 6 October 2020. However, there is no evidence, nor did you provide any, that the shore-based facility commander approved BAH at the with dependents rate vice BAH-DIFF for the period requested.

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,

4/24/2023

Deputy Director

Signed by: \_\_\_\_\_