



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

[REDACTED]
Docket No. 722-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [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) 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 received Basic Allowance for Housing (BAH) at the with dependent rate vice without dependent rate effective 29 July 2021.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 9 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 10 February 2016 Petitioner enlisted in the U.S. Naval Reserve for 8 years with an EOS of 9 February 2024. On 20 September 2016, Petitioner entered active duty for 4 years.

b. On 29 May 2021 Petitioner got married to another service member.

c. On 27 November 2021 Petitioner's Dependency Application/Record of Emergency Data (NAVPERS 1070/602) was updated and listed his child born on 29 July 2021 and residing in [REDACTED].

d. On 19 February 2022 Petitioner was released from active duty and transferred to the Naval Reserve.

e. On 11 March 2022 Petitioner's BAH at the without dependents rate for [REDACTED] stopped effective 19 February 2022.

f. On 28 March 2022 Petitioner's spouse's BAH at the without dependents rate for [REDACTED] stopped effective 5 March 2022.

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CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of reference (b)¹ and enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that Petitioner's son was born on 29 July 2021, however, neither Petitioner nor his active duty spouse received BAH at the with dependents rate. Petitioner was entitled to BAH at the with dependents rate from 29 July 2021 until his release from active duty on 19 February 2022.

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 "29 July 2021" to "19 February 2022."

Note: Defense Finance & Accounting Service will complete an audit of Petitioner's records to determine if Petitioner is due any back pay.

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.

2/17/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]

¹ Reference (b), when two Service members have a dependent, the Service members must choose which one will receive BAH or OHA at the with-dependent rate. If they cannot agree, then the senior Service member receives the with-dependent rate. The Service members may subsequently elect to transfer BAH authorization from one Service member to the other for any reason. Changes are effective as of the election date and may not be applied retroactively.