



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

██████████  
Docket No. 812-23  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████, USN,  
XXX-XX-██████████

Ref: (a) Title 10 U.S.C. § 1552  
(b) NAVADMIN 101/10 of 19 Mar 10

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 was eligible for and received Basic Allowance for Housing (BAH) at the old Permanent Duty Station (PDS) based on execution of a close proximity move.

2. The Board, consisting of ██████████, ██████████, and ██████████ 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 16 August 2021 Petitioner was issued official change duty orders (BUPERS order: 2281) with required obligated service to March 2025, while stationed in ██████████ with an effective date of departure of January 2022. Petitioner's ultimate activity was ██████████ for duty with an effective date of arrival of 14 February 2022, with a Projected Rotation Date (PRD) of March 2025.

b. On 28 September 2021 Petitioner was issued official modification to change duty orders (BUPERS order: 2281) with required obligated service to March 2025, while stationed in ██████████ with an effective date of departure of January 2022. Petitioner's ultimate activity was ██████████ for duty with an effective date of arrival of 26 February 2022, with a PRD of March 2025. This transfer

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funded for member and authorized dependents as reflected on service record page two and other supporting documents. Members who receive Permanent Change of Station (PCS) orders when their old and new PDSs are within close proximity to each other (based on a reasonable commute determined by the gaining Commanding Officer (CO)) may be eligible to receive a close proximity waiver and receive BAH based on their old PDS location. See NAVADMIN 101/10 for waiver eligibility requirements and procedures.

c. On 24 January 2022 Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 22 February 2022 for duty.

d. On 29 March 2022 Petitioner's BAH at the with-dependent rate for [REDACTED] stopped effective 21 February 2022. Furthermore, Petitioner was authorized BAH at the with-dependent rate for [REDACTED], effective 22 February 2022 started.

e. On 13 February 2023 the CO, [REDACTED] notified Commander, Navy Personnel Command that in response to reference (a) and in accordance with references (b) through (d), Petitioner is authorized to receive BAH based on his previous PDS. Please remove the funding for a household goods (HHG) move from the member's orders and re-issue those orders.

Petitioner established a residence prior to the date his orders were issued, he will be commuting daily to his new PDS, and the commuting distance is reasonable for this geographic location.

With the removal of the funding for a HHG move, Petitioner realizes he has forfeited the authorization for the government to fund a move. Additionally, he will forfeit the right to receive BAH based on his previous PDS if he moves his residence at his own expense. As indicated in the request, Petitioner acknowledges that any obligated service associated with these orders must still be completed.

f. On 16 February 2023 NAVSUP Fleet Logistics Center Norfolk notified Board for Correction of Naval Records that Petitioner had not utilized any HHG funding for his orders.

## 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), the Board finds the existence of an injustice

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<sup>1</sup> Reference (b), clarifies eligibility and procedures for execution of a close proximity move. The following policy is in accordance with Title 37 U.S. Code Section 403 and Joint Federal Travel Regulations 1 November 2008 and supersedes any guidance on BAH as it pertains to close proximity moves listed in OPNAVINST 7220.12 and NAVADMIN 026/09.

Service members who have not executed their orders are eligible to remove the HHG funding from those orders in order to fall under the provisions of a close proximity move and may be eligible to receive BAH based on the previous PDS. Service members with or without dependents who are reassigned within the continental United States, maintain an established residence, and still commute daily to their new PDS or homeport, may qualify for BAH based on their previous PDS under the provisions of a close proximity move. To qualify for BAH based on the previous PDS the following provisions must be met: funding for a HHG move must not be authorized; the member must maintain a continuous residence. The member must have established a continuous residence at the previous PDS prior to receiving his/her new orders; the member must commute daily to the new PDS from the same residence. Finally, to receive BAH based on the old PDS, the member must complete the below steps prior to the execution of orders: request authorization from the gaining CO to receive BAH based on his/her previous duty station. Gaining COs should ensure that member is maintaining a continuous residence and that the commuting distance from that continuous residence is reasonable for the geographic location of the assignment. If approved by the gaining CO, the member must send the approval letter to his/her detailer in order to get the HHG funding removed from his/her orders. Once HHG funding is removed from the orders and the orders are re-issued, the member must take the approval letter and the orders to Personnel Support Detachment upon check in to the

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warranting the following corrective action. The Board concluded that BUPERS order: 2281 authorizes an HHG move. Although Petitioner did not have approval of BAH under provisions of a close proximity move prior to execution of transfer as required by reference (b), relief should be granted. Petitioner's gaining command confirmed that Petitioner maintained a continuous residence at the previous PDS prior to receiving his orders, that he commutes daily to the new PDS from the same residence, and that the commuting distance is reasonable for the geographic location.

#### RECOMMENDATION

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

Petitioner's request for a close proximity move was approved by cognizant authority prior to executing orders (BUPERS order: 2281).

Petitioner was authorized BAH at the with-dependent rate for [REDACTED] vice [REDACTED] from 22 February 2022 to present. Note: If Petitioner moves from his residence, he will no longer be authorized BAH at the old PDS.

Note: Defense Finance and 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.

2/24/2023

[REDACTED]  
Deputy Director

Signed by: [REDACTED]

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gaining command to have BAH based on the previous duty station continued. Back-To-Back close proximity moves. A member who qualifies (as stipulated above) and executes Back-To-Back close proximity moves that result in a return to a PDS in the original military housing area is generally not authorized to maintain BAH at the previous PDS rate. In this case, the member may experience a reduction in BAH, since the member's housing decision was made based on the last PCS move that authorized reassignment to that geographic area.