



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

█
Docket No. 1218-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █

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 dependents rate at his dependent's location from September 2020 to October 2022.

2. The Board, consisting of █ reviewed Petitioner's allegations of error and injustice on 9 March 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 27 January 2020, Petitioner was issued official change duty orders (BUPERS order: 0270) with required obligated service to September 2022, while stationed at █ with an effective date of departure of August 2020. Petitioner's ultimate activity was █ for duty with an effective date of arrival of 14 September 2020, with a Projected Rotation Date (PRD) of September 2022.

b. On 21 July 2020, Petitioner married █

c. On 13 August 2020, Petitioner submitted the Immigrant Visa Registration application for his spouse. On 2 September 2020, Petitioner's spouse was issued an immigrant visa by the United States of America. Expires on 20 February 2021.

d. On 8 September 2020, Petitioner was issued official modification to change duty orders █ while stationed at █ an with an effective date of departure of August 2020. Petitioner's ultimate activity was █ for duty with an effective date of arrival of 14 September 2020, with a PRD of September 2022. This transfer funded for member and authorized dependents as reflected on service record page two and other supporting documents. Per The Joint Travel Regulations, Chapter 5, dependents acquired on or prior to the effective date of orders are authorized travel/transportation

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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.

e. On 12 September 2020, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 27 September 2020.

f. On 14 October 2020 Report of Medical, Dental and Educational Suitability screening for Service and Family members was completed and signed. Petitioner's spouse was found suitable for the Overseas, Remote Duty, or Operational Assignment.

g. On 30 January 2021, [REDACTED] issue an Electronic Ticket Itinerary/Receipt for Petitioner's spouse [REDACTED] with a departure date of 6 February 2021 [REDACTED] and an arrival to [REDACTED] International on 6 February 2021.

h. Petitioner's spouse was issued a United States of American Permanent Resident card. Resident Since: 6 February 2021. Card Expires: 6 February 2023.

i. On 28 April 2021, Petitioner's spouse applied for a Social Security card. Her address was listed as [REDACTED]

j. On 23 August 2021, Petitioner's [REDACTED] signed a rental agreement [REDACTED] Property was located in [REDACTED] Rent was \$800.00 effective 1 September 2021.

k. On 14 December 2021, the [REDACTED] issued a passport to Petitioner's spouse.

l. On 30 March 2022, Petitioner was issued official change duty orders [REDACTED] with required obligated service to December 2024, while stationed in [REDACTED] with an effective date of departure of September 2022. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 14 October 2022, with a Projected Rotation Date (PRD) of October 2025.

m. On 4 October 2022, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 14 October 2022.

n. On 8 October 2022, Petitioner's spouse was issued a [REDACTED] Driver License with an expiration date of 6 February 2023. The address listed was [REDACTED]

o. On 14 October 2022, Petitioner's BAH at the with dependents rate for [REDACTED] started.

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

¹ Reference (b), a Service member on Active Duty (AD) entitled to basic pay is authorized a housing allowance based on his or her grade, rank, location, and whether he or she has any dependents. A housing allowance generally is not authorized for a Service member who is assigned to appropriate and adequate Government quarters. Ordinarily a housing allowance is based on the Service member's PDS, or the home port for a Service member assigned to a ship or afloat unit. However, the Service may determine that a Service member's assignment to a PDS, or the circumstances of that assignment, requires a dependent to reside

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partial corrective action. Petitioner served an accompanied tour in [REDACTED] shortly after he married his spouse in [REDACTED]. Petitioner's spouse did not accompany him to his OCONUS PDS. Due to the unusual circumstances created by the COVID-19 outbreak creating delays in command sponsorship, Petitioner's spouse did not obtain command sponsorship despite completing her medical and dental screenings. Furthermore, Petitioner did not request through the secretarial process to receive BAH at the with dependents rate at his dependent's location. The Board determined that Petitioner's spouse did not establish her residence until she signed her lease in [REDACTED] on 23 August 2021. Although Petitioner did not complete the administrative requirements in reference (b), the Board agreed that Petitioner was entitled to BAH at the with dependents rate for Hawaii from 23 August 2021 to 13 October 2022.

RECOMMENDATION

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

Petitioner applied for and was granted housing allowance based on dependent spouse location of [REDACTED] effective the date lease was signed on 23 August 2021.

Petitioner was authorized BAH at the with-dependent rate for [REDACTED] from 23 August 2021 to 13 October 2022.

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.

3/23/2023

[REDACTED]

separately. Authorization or approval of a housing allowance based on the dependent's location or old PDS is through the Service Secretary or through the Secretarial Process.

When a Service member is assigned at a PDS OCONUS and the dependent does not reside at or near the PDS OCONUS, the housing allowance is based on the dependent's location. If the dependent does reside at or near the PDS OCONUS, the housing allowance is based on the PDS OCONUS.