



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

[REDACTED]  
Docket No. 1744-23  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USNR,  
XXX-XX-[REDACTED] (RET)

Ref: (a) Title 10 U.S.C. § 1552  
(b) DoD 7000.14-R FMR Volume 7A Chapter 27

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 Family Separation Allowance (FSA) from 1 January 2021 thru 25 May 2021.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 13 April 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. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. On 16 October 2011, Petitioner signed a Dependency Application/Record of Emergency Data (NAVPERS 1070/602) listing date of marriage was 13 March 1993, and spouse residing at [REDACTED].

c. In accordance with reference (b), a Service member's lawful spouse and legitimate, unmarried, minor children are always dependents for housing allowance purposes.

FSA is payable to members with dependents and a member married to another member of the uniformed services regardless of any other dependency status. FSA is payable in addition to any other allowance or per diem, to which a member may be entitled. The member, however, may not receive more than one payment of FSA for the same period, even though qualified for FSA-

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Restricted (FSA-R), FSA–Ship (FSA-S), and FSA–Temporary (FSA-T). Members must complete a DoD (DD) Form 1561 (Statement to Substantiate Payment of Family Separation Allowance) to substantiate entitlement to FSA.

FSA - T. The member is on Temporary Duty (TDY) or Temporary Assigned Duty (TAD) away from the PDS (PDS pertains to active component) or the home of residence (HOR) (HOR pertains to reserve component) continuously for more than 30 days, and the member’s dependents do not reside at or near the TDY or TAD station.

Table 27-3. Date to Stop FSA. If a member returns from TDY or TAD of more than 30 days then FSA credit continues through the day before date of the member’s return from TDY or TAD.

d. On 9 June 2020, Petitioner was issued BUPERS Mobilization order in support of contingency operation: DOD support for COVID-19 outbreak. Petitioner’s ultimate activity was [REDACTED] for active duty with an effective date of arrival of 15 June 2020 for 111 days.

e. On 28 July 2020, Petitioner was issued Mobilization order extension. This serves as authority to modify by extending member for no more than 365 days at one geographic location. SNM will remain mobilized at assigned ultimate duty station until 31 December 2020. Furthermore, member is considered to be in a TDY status.

f. On 23 October 2020, Petitioner was issued demobilization order with a detaching date on or about 31 December 2020.

g. On 19 November 2020, Petitioner was issued demobilization modification with a detaching date on or about 31 March 2021.

h. On 23 February 2021, Petitioner was issued mobilization order extension. In accordance with mission requirements and to facilitate processing and post-deployment leave, member should expect to detach no later than 25 May 2021. To remain on station beyond 25 May 2021. Member must submit a new VSA with an updated desired detach date no later than 180 days prior to 25 May 2021 for USFF determination of mission requirement and appropriate approval authority.

i. On 19 May 2021, Petitioner signed a Statement to Substantiate Payment of Family Separation Allowance (FSA) (DD Form 1561), for the period of 14 June 2020 to 25 May 2021. Certifying Officer certified Petitioner’s request on 19 May 2021.

j. On 20 May 2021, Chief of Naval Operations notified Officer in Charge, [REDACTED] that per reference NAVPERS 1070/602, request to start Family Separation Allowance (FSA-T) for Petitioner, effective 14 June 2020.

k. On 24 May 2021, CWT Sato Travel issue a trip Itinerary with a departure date of 25 May 2021 [REDACTED] and an arrival to [REDACTED] on 25 May 2021.

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l. On 28 June 2021, Defense Joint Military Pay System/Master Military Pay Account (DJMS/MMPA) reflects Petitioner was charged with a period of regular leave from 26 May 2021 to 27 June 2021 (33) days. Furthermore, Petitioner was paid for 1.5 days leave.

m. On 22 July 2021, Petitioner signed a Record of Emergency Data (DD Form 93) listing spouse residing at [REDACTED].

n. Petitioner was released from active duty and transferred to the Naval Reserve with an Honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 12 June 2020 to 28 July 2021 upon completion of required active service.

o. On 21 September 2022, DJMS/MMPA reflects an FSA payment for \$1,658.33 on 28 July 2021.

p. On 29 September 2022, Commander, Navy Personnel Command (PERS-9) notified Petitioner that Per 10 USC section 10154 and 10 USC section 12774(a), the Secretary of the Navy approved and authorized his request to transfer to Retired Reserve status effective 1 October 2022.

q. On 6 October 2022, Defense Finance & Accounting Service (DFAS) notified The Honorable [REDACTED], United States Senator that this is in reply to your inquiry on behalf of Petitioner, concerning his request for FSA. We reviewed documentation sent via our Defense Workload Operations Web System on ticket #3409643, authorizing Petitioner back pay for FSA.

Petitioner is due FSA from 12 June 2020 through 31 December 2020, at the rate of \$250.00 per month, totaling a payment of \$1,658.33.

On 26 September 2022, we sent a payment request to our Defense Finance and Accounting Service - Cleveland for processing. Petitioner should receive his payment via check within 30 days from the date on this letter, at his home address.

## CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of reference (b) and enclosure (2), the Board finds the existence of an injustice warranting the following partial corrective action. The Board concluded that Petitioner was married at the time he received BUPERS mobilization order in support of contingency operation. Petitioner was on TDY away from his HOR continuously for more than 30 days, and his dependents did not reside at or near the TDY or station; therefore, the Board determined that Petitioner was entitled to FSA-T from the start of his mobilization until 24 May 2021, the day before he returned from TDY. Petitioner had received a payment in September 2022; therefore, the Board determined that DFAS will conduct an audit of Petitioner's financial record to determine the amount of FSA, if any, Petitioner is still owed and for which period.

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RECOMMENDATION

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

Petitioner was authorized FSA based on [REDACTED] from 12 June 2020 to 24 May 2021.

Note: DFAS will complete an audit of Petitioner's records to determine if Petitioner is due any back pay.

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.

5/1/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]