



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

█  
Docket No. 1818-23  
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552  
(b) OPNAVINST 7220.12, 24 Dec 05  
(c) 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) for the period of 6 months prior to BAH approved start date of 30 August 2022.

2. The Board, consisting of █ and █ reviewed Petitioner's allegations of error and injustice on 20 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. 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. In accordance with reference (b), 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.

b. On 9 January 2017, Petitioner entered active duty.

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c. In accordance with reference (c), ordinarily a housing allowance is paid based on the Service member's Permanent Duty Station (PDS) or the homeport for a Service member assigned to a ship or afloat unit.

A Service member without a dependent in grade E-5 assigned to permanent sea duty aboard a ship cannot elect not to occupy assigned shipboard Government quarters and receive BAH or Overseas Housing Allowance (OHA). Under Service regulations, the Secretary concerned may authorize BAH or OHA to a Service member without a dependent who is serving in grade E-5 and is assigned to sea duty. When preparing regulations under this paragraph, the Secretary concerned must consider Government quarters availability for a Service member serving in grade E-5.

d. On 16 December 2019, Petitioner was advanced to TM3/E-4.

e. On 26 February 2020, Petitioner's BAH at the without dependents rate for [REDACTED] was started.

f. On 9 September 2021, Petitioner's BAH at the without dependents rate for [REDACTED] was stopped.

g. On 18 November 2021, Petitioner was issued official change duty orders (BUPERS order: 3221) while stationed at [REDACTED] with an effective date of departure of May 2022. Petitioner's intermediate (01) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 25 June 2022. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 30 August 2022, with a Projected Rotation Date of August 2025.

h. On 16 December 2021, Petitioner was advanced to TM2/E-5.

i. Petitioner provided an Apartment Lease Contract with National Apartment Association dated 14 March 2022 with a lease term beginning on 15 March 2022 and ending on 17 April 2023 located in [REDACTED]

j. On 29 March 2022, Petitioner submitted Special Request/Authorization (NAVPERS 1336/3) requesting BAH to live out in town. Petitioner's request was approved by cognizant authority on 4 April 2022.

k. On 16 May 2022, Petitioner signed an administrative remarks (NAVPERS 1070/613) for the following: "I request BAH at the w/o dependent rate, in lieu of assignment to government quarters and understand I must have a residence in the vicinity of my permanent duty station. If am an E4 or E5, I understand my request requires the Commanding Officer and shore based facility manager's final approval using a NP 1336/3 (Special Request/Authorization) form. I certify I must maintain the address shown below during a deployment order to maintain continuous entitlement to BAH at the w/o dependent rate."

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l. On 20 May 2022, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 25 June 2022 for temporary duty.

m. On 31 July 2022, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 30 August 2022 for duty.

n. On 20 September 2022, Defense Joint Military Pay System/Master Military Pay Account reflects Petitioner was charged leave for delay en route/permanent change of station from 20 May 2022 to 24 June 2022 (36) days, and from 1 August 2022 to 29 August 2022 (29) days.

o. On 20 September 2022, Petitioner's BAH at the without dependents rate for [REDACTED] was started effective 30 August 2022.

## CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of references (b) and (c), and enclosure (2), the Board finds the existence of an injustice warranting the following partial corrective action. The Board concluded that 29 March 2022, Petitioner submitted Special Request/Authorization (NAVPERS 1336/3) requesting BAH to live out in town. Petitioner's request was approved by his detaching command on 4 April 2022. Although there is no documentation that Petitioner received permission from the installation commander to receive BAH, based on his rental lease and his command's approval, the Board determined that Petitioner should receive BAH at the without dependents rate for the period of 29 March 2022 to 19 May 2022. Petitioner transferred on 20 May 2022 and began a period of temporary duty under instruction prior to arriving to his new command on 30 August 2022. On 20 September 2022, Petitioner began to receive BAH at the without dependents rate effective 30 August 2022. Because Petitioner has not provided a travel settlement showing what he was eligible for while he was in a travel status, the Board concluded that approving BAH for that period of time is inappropriate.

## RECOMMENDATION

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

Petitioner was authorized BAH at the without dependents rate for [REDACTED], from 29 March 2022 to 19 May 2022.

Note: Defense Finance & Accounting Service (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.

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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]