



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

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Docket No. 1968-23
Ref: Signature Date

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Dear █:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 5 July 2023. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies. In addition, the Board also considered the advisory opinion by the Chief of Naval Operations (N130C2) of 25 April 2023, which was previously provided to you. You were afforded an opportunity to submit a rebuttal, but did not do so.

In accordance with MILPERSMAN 1300-170, Navy service members, regardless of rank or length of service, may elect the accompanied or unaccompanied tour in overseas areas with an accompanied tour prescribed. If the accompanied tour is elected, the service member may have dependents command-sponsored. Per DoD Instruction 1315.18, in order for dependents to be command-sponsored by the appropriate military commander, the service member must meet the following criteria, as applicable: Accompanied-by-Dependents Tour: Be assigned to a location where an accompanied-by-dependents tour is authorized, and the member agrees to serve the prescribed accompanied tour. Dependents Permanent Duty Station (PDS) Vicinity Presence: Be granted authorization by the appropriate military commander for dependents to be present in the vicinity of the overseas PDS. Have all dependents meet overseas suitability screening requirements so that they may be command-sponsored and transported to the overseas PDS at Government expense.

Command sponsorship shall be effective from the date of determination and shall not be retroactively granted, i.e., dated prior to the service member's request, for any reason.

On 12 April 2021, you were issued official change duty orders (BUPERS order: ██████████) with required obligated service to July 2024, while stationed at ██████████, ██████████, ██████████ with an effective date of departure of May 2021. Your ultimate activity was ██████████, ██████████, ██████████ for duty with an effective date of arrival of 30 June 2021, with a Projected Rotation Date (PRD) of July 2024.

On 13 June 2021, Chair, Overseas Screening Committee, notified you that if your daughter remains stable after 90 days without therapy and her evaluation by a mental health professional (not primary care doctor) following this time indicates that she is stable without anticipated need for continued therapy services (barring any unforeseen developments) the committee will find her medically suitable.

They highly recommended you do not purchase any tickets or make any travel plans until her OSS package is approved and depending on when her letter is submitted, it can take up to 7 calendar days to get the committee's decision back to the losing command's administrative team for final approval.

On 30 July 2021, you were issued official modification to change duty orders (BUPERS order: ██████████) with required obligated service to June 2024, while stationed at ██████████, ██████████, ██████████ with an effective date of departure of July 2021. Your ultimate activity was ██████████, ██████████, ██████████ for duty with an effective date of arrival of 30 August 2021, with a PRD of June 2024.

In accordance with DoD 7000.14-R Financial Management Regulation Volume 7A, Chapter 26, a service member authorized to live in private-sector leased or owned housing is authorized Overseas Housing Allowance (OHA) provided a DD 2367 is completed and approved. Payment of OHA requires a lease agreement or a verifiable purchase price.

In accordance with DoD 7000.14-R Financial Management Regulation Volume 7A, Chapter 68, a dependent must be command sponsored for the service member to receive Cost Of Living Allowance outside the Continental United States (OCONUS COLA) and Temporary Lodging Allowance (TLA) based on the dependent's presence.

On 4 August 2021, you transferred from ██████████, and arrived to ██████████ on 24 August 2021 for duty. Furthermore, your Basic Allowance for Housing (BAH) at the with dependents rate for ██████████, ██████████, stopped and BAH at the with dependents rate for ██████████, ██████████, started.

On 3 September 2021, you submitted a Special Request/Authorization (NAVPERS 1336/3) requesting to receive BAH at dependent location (██████████). Your request was approved by cognizant authority on 7 September 2021.

On 7 September 2021, you certified a Dependency Application/Record of Emergency Data (NAVPERS 1070/602) listing your spouse and children residing in ██████████, ██████████.

On 20 November 2021, your BAH at the with dependents rate for ██████████, ██████████, stopped

On 11 February 2022, you notified Director, ██████████ Housing Services Center that I certify that my PRD is June 2024 and that my eligibility for Military Family Housing (MPH) has not changed from that represented on my housing application.

As a military member, I accept assignment to ██████████ on a permanent basis. I understand that the MFH unit will be ready for my occupancy on 12 February 2022 I understand that my Housing Allowances BAH or OHA/TLA will be stopped as of 12 February 2022. I understand that if I fail to submit a complete housing application package by the assignment date, I may have to reschedule the move-in date to a later date and acknowledge that the housing allowances will stop on the originally set date.

On 12 February 2022, Navy Lodge, ██████████ issued you a receipt for the period of 20 November 2021 to 12 February 2022 (84 days).

On 15 February 2022, Officer in Charge, Personnel Support Detachment, ██████████, ██████████ notified you that your spouse, ██████████ is recognized as command sponsored effective 10 February 2022. Furthermore, you are advised that, per provisions of the Joint Travel Regulations (JTR), a member serving an OCONUS tour who has no dependents but acquire dependents during that tour is not eligible for TLA for those dependents upon arrival because the member was without family members on the effective date of permanent change of station orders.

On 23 February 2022, you certified a Dependency Application/Record of Emergency Data (NAVPERS 1070/602) listing your spouse and child ██████████ residing in ██████████, ██████████

On 2 March 2022, First Endorsement on your letter (Request for locally acquired dependent to be recognized as command sponsored dependent) of 2 March 2022, Commander, U.S. ██████████ notified Officer in Charge, Personnel Support Detachment, ██████████, ██████████, forwarded, recommending approval with the following information: date dependent arrived on station was 20 November 2021, and the service member currently has the following command sponsored dependent ██████████ effective 2 March 2022.

On 8 February 2023, you were issued official Fleet Reserve orders (BUPERS order: ██████████) while stationed in ██████████, ██████████, ██████████ with an effective date of departure of May 2023. Your intermediate activity (01) was ██████████, ██████████, ██████████ for temporary duty Pending Separation with an effective date of arrival 11 May 2023. Your home of selection was ██████████, ██████████ with an effective date of retirement of 31 July 2023.

On 11 May 2023, you transferred from ██████████, and arrived to ██████████ ██████████ on 12 May 2023 for temporary duty.

You requested to receive \$8,232.00 monetary allowances for dependents from 20 November 2021 to 11 February 2022; the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that in accordance with the Financial Management Regulation, a dependent must be command sponsored for the service member to receive OCONUS COLA or TLA based

on the dependent's presence. On 13 June 2021 the Overseas Screening Committee highly recommended that you do not purchase any tickets or make any travel plans until your daughter's OSS package is approved..." Your dependents traveled to [REDACTED], [REDACTED] on 20 November 2021; however, your spouse was approved for command sponsorship effective 10 February 2022 and your daughter was approved effective 2 March 2022. In accordance with MILPERSMAN 1300-170, command sponsorship shall be effective from the date of determination and shall not be retroactively granted, i.e., dated prior to the service member's request, for any reason. Therefore, the Board determined that you are ineligible for OCONUS COLA or TLA for the period you requested. Additionally, you were not eligible for OHA because you did not provide a lease agreement. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

7/24/2023

[REDACTED]