



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

[REDACTED]
Docket No. 2063-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
[REDACTED]

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 effective 8 December 2019.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 4 May 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 6 August 2019, Petitioner was issued official change duty orders (BUPERS order: 2189) while stationed at [REDACTED] with an effective date of departure of December 2019. Petitioner's ultimate activity was [REDACTED] [REDACTED] for duty with an effective date of arrival of December 2019, with a Projected Rotation Date of December 2021.

b. On 2 December 2019, Petitioner transferred from SEAL TEAM [REDACTED]

c. On 8 December 2019, Petitioner got married.

d. On 16 December 2019, Petitioner's BAH at the without dependents rate for [REDACTED], stopped.

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e. On 17 December 2019, Petitioner arrived to [REDACTED] duty. Furthermore, Petitioner's BAH at the without dependents rate for [REDACTED] started.

f. On 25 June 2021, Petitioner transferred from [REDACTED]

g. On 20 July 2021, Petitioner's BAH at the without dependents rate for [REDACTED] 93943, stopped.

h. On 21 July 2021, Petitioner arrived to SBT [REDACTED] for duty. Furthermore, Petitioner's BAH at the without dependents rate for [REDACTED] started.

i. On 17 May 2022, Petitioner's BAH at the with dependents rate for [REDACTED] [REDACTED] started effective 21 July 2021.

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 corrective action. The Board concluded the Petitioner was entitled to BAH with dependents effective 8 December 2019.

RECOMMENDATION

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

Petitioner was authorized BAH at the "with dependents" vice "without dependents" rate for [REDACTED], effective 8 December 2019 to 16 December 2019.

Petitioner was authorized BAH at the "with dependents" vice "without dependents" rate for [REDACTED] effective 17 December 2019 to 20 July 2021.

Note: Defense Finance and Accounting Service will complete an audit of Petitioner's records to determine if Petitioner is due any back pay and allowances. Furthermore, it is recommended that Petitioner settle his travel claim(s) for himself and/or spouse.

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.

¹ Reference (b), a Service member on Active Duty 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. A Service member's lawful spouse and legitimate, unmarried, minor children are always dependents for housing allowance purposes. When a Service member acquires a dependent, for example, through marriage, birth, or adoption, a with-dependent housing allowance is authorized as of the date the dependent is acquired. When the Service member is assigned to a Permanent Duty Station (PDS) in the Continental United States (CONUS), the housing allowance is authorized based on the PDS.

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[REDACTED]

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.

5/8/2023

[REDACTED]

Deputy Director

[REDACTED]