



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

█
Docket No. 2785-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █ █

Ref: (a) Title 10 U.S.C. § 1552
(b) DoD 7000.14-R FMR Volume 7A, Chapters 26/27

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 was authorized Basic Allowance For Housing (BAH) at the with dependents rate vice BAH at the without dependents rate for for █, from 17 August 2020 to 11 May 2021. Furthermore, Petitioner was authorized Family Separation Allowance (FSA) based on █ from 17 August 2020 to 2 April 2021.

2. The Board, consisting of █ reviewed Petitioner's allegations of error and injustice on 11 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. On 13 July 2020, Petitioner was issued a BUPERS mobilization order in support of contingency operation: DOD support for COVID-19 outbreak, with an activation report date of on or about 16 August 2020. Petitioner's ultimate activity was █ for active duty with an effective report of on or about 19 August 2020.

b. On 17 August 2020, Petitioner's Dependency Application/Record of Emergency Data (NAVPERS 1070/602) was updated and listed his spouse residing in █ and BAH at the without dependents rate for █ started.

c. On 12 November 2020, Travel Voucher Summary (DO Voucher No. A37637) was issued and paid on 13 November 2020 for the period of 1 September 2020 to 30 September 2020.

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Advances/Prior Payments: \$0.00, Total Entitlement/Total Charged to Account Class/Total Amount Payable: \$6,571.50, Split Payment: \$4,741.50, and Due Employee: \$1,830.00.

d. On 20 November 2020, Travel Voucher Summary (DO Voucher No. A47855) was issued and paid on 23 November 2020 for the period of 19 August 2020 to 31 August 2020.

Advances/Prior Payments: \$0.00, Total Entitlement/Total Charged to Account Class/Total Amount Payable: \$3,173.56, Split Payment: \$2,380, and Due Employee: \$793.00.

e. On 14 January 2021, Travel Voucher Summary (DO Voucher No. A95825) was issued and paid on 15 January 2021 for the period of 17 August 2020 to 18 August 2020.

Advances/Prior Payments: \$0.00, Total Entitlement/Total Charged to Account Class/Total Amount Payable: \$99.85, and Due Employee: \$99.85.

f. On 22 March 2021, Petitioner was issued a demobilization order: 0811 (Official release from active duty orders), with a detach on or about 2 April 2021 and NRA activity report on or about 16 April 2021.

g. On 20 April 2021, Travel Voucher Summary (DO Voucher No. A92509) was issued and paid on 22 April 2021 for the period of 2 April 2021 to 2 April 2021. Advances/Prior Payments: \$0.00, Total Entitlement/Total Charged to Account Class/Total Amount Payable: \$88.14, and Due Employee: \$88.14.

h. 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 17 August 2020 to 11 May 2021 upon completion of required active service.

i. On 11 May 2021, Petitioner's BAH at the without dependents rate for [REDACTED] stopped.

j. On 20 April 2022, Petitioner signed a Statement to Substantiate Payment of FSA (DD Form 1561), for the period of 17 August 2020 to 2 April 2021. Certifying Officer certified Petitioner's request on 5 June 2022.

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

¹ Reference (b), a Service member's lawful spouse and legitimate, unmarried, minor children are always dependents for housing allowance purposes. An Reserve Component (RC) member called or ordered to Active Duty (AD) in support of a contingency operation is authorized BAH or OHA based on the primary residence beginning on the first day of AD. This rate is authorized even for duty of 30 or fewer days. This rate continues for the duration of the tour unless the RC member is authorized Permanent Change of Station Household Goods transportation, in which case the rate for the Permanent Duty Station (PDS) would apply on the day the RC member reports to the PDS. 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-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 FSA) to substantiate entitlement to FSA. FSA - T.

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warranting the following corrective action. The Board concluded that Petitioner was married at the time he received BUPERS mobilization order in support of contingency operation; therefore, Petitioner was entitled to BAH at the with dependent rate. Furthermore, 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 for the duration of his mobilization.

RECOMMENDATION

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

Petitioner was authorized "BAH at the with dependents rate" vice "BAH at the without dependents rate" for [REDACTED] from 17 August 2020 to 11 May 2021.

Petitioner was authorized FSA based on [REDACTED] from 17 August 2020 to 2 April 2021.

Note: Defense Finance & Accounting Service will complete an audit of Petitioner's records to determine if Petitioner is due any back pay.

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.

4/17/2023

[REDACTED]
Deputy Director
[REDACTED]

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.