



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

[REDACTED]
Docket No. 4750-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,
XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by OCNO memo 7431 Ser N130C2/23U1217, 13 Oct 23
(3) Advisory Opinion by NPPSC memo 7220 N1, 29 Jan 24
(4) 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's indebtedness for Basic Allowance for Housing (BAH) in the amount of \$4,801.20 due reporting erroneous zip of [REDACTED] was waived.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 29 February 2024 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 23 May 2017, Petitioner was issued official change duty orders (BUPERS order: 1437) with required obligated service to October 2020, while stationed in [REDACTED] with an effective date of departure of August 2017. Petitioner's intermediate (01) activity was [REDACTED] for temporary duty under instruction with an effective date of arrival of 5 August 2017. Petitioner's ultimate activity was [REDACTED] [REDACTED] for duty with an effective date of arrival of 6 October 2017 with a Projected Rotation Date (PRD) of May 2022.

b. On 3 August 2017, Petitioner transferred from [REDACTED], and arrived to [REDACTED] [REDACTED] on 6 August 2017 for temporary duty.

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- c. On 1 September 2017, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 3 October 2017 for duty.
- d. On 3 May 2019, Petitioner got divorced.
- e. On 14 June 2020, Petitioner got married.
- f. On 5 February 2021, Petitioner's dependent child was born.
- g. On 29 September 2021, Petitioner was issued official change duty orders (BUPERS order: 3331) with required obligated service to June 2025, while stationed in [REDACTED] with an effective date of departure of May 2022. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 12 June 2022 with a PRD of June 2025.
- h. On 30 March 2022, Master Military Pay Account (MMPA) listed a BAH at the with-dependents rate transaction for [REDACTED] from 4 May 2019 to 4 May 2019 with an entitlement of \$-4,801.20 and monthly rate of \$-44,036.00.
- i. Petitioner's Defense Finance and Accounting Service (DFAS) Military Leave and Earnings Statement for the period of 1 April 2022 to 30 April 2022 listed a Total indebtedness of \$5,161.20.
- j. On 12 May 2022, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 10 June 2022 for duty.
- k. On 21 June 2022, Petitioner's BAH at the with-dependents rate for [REDACTED] stopped effective 9 June 2022 and BAH at the with-dependents rate for [REDACTED] started on 10 June 2022.
- l. In the advisory opinion, attached as enclosures (2) and (3), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following partial corrective action. The Board concluded that there are errors in Petitioner's BAH entitlement. On 30 March 2022, MMPA listed a BAH at the with-dependents rate transaction for [REDACTED] from 4 May 2019 to 4 May 2019. During that time, Petitioner was divorced and should have received BAH at the without dependents rate for [REDACTED]. Furthermore, Petitioner remarried on 14 June 2020 while still in [REDACTED], authorizing him to BAH at the with dependents rate for the period of 14 June 2020 to 9 June 2022. Petitioner's financial records will be audited to determine the effect these entitlements have on his debt.

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RECOMMENDATION

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

Petitioner was authorized BAH at the without-dependents rate for [REDACTED] effective 4 May 2019.

Petitioner was authorized BAH at the with-dependents rate for [REDACTED] effective 14 June 2020 to 9 June 2022.

Note: DFAS will complete an audit of Petitioner's records to determine the effect these entitlements have on his debt.

That no further changes be made to Petitioner's naval record.

That 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.

3/21/2024

[REDACTED]

Deputy Director

Signed by: [REDACTED]