



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. 4923-23  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER █  
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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) for his dependent child.

2. The Board, consisting of █ reviewed Petitioner's allegations of error and injustice on 28 September 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 14 March 2020, Petitioner's child 1 was born at █ Petitioner entered active duty on 20 July 2022 for 4 years with an EAOS of 19 July 2026 and SEAOS of 19 July 2027. On 27 July 2022, Petitioner signed a Dependency Application (NAVPERS 1070/602) listing no spouse or children.

b. On 1 March 2023, the Circuit Court of █ County, █ Domestic Relations Division State of █ Office of Child Support Enforcement (OCSE), plaintiff vs. [Petitioner], defendant, issued Judgement of Paternity, Order for Support, and Order to Consolidate. The Court Finds and Orders as follows: Petitioner (Parent 1) is found/established to be the father of the following minor child born out of wedlock to Parent 2: child 2, born on 18 December 2021 and child 1, born on 14 March 2020. Parent 1 owes a continuing duty of support to the child/ren. The Court examined the respective incomes and child-rearing expenses of Parent 1 and Parent 2 and orders Parent 1 to pay \$461.00 monthly child support beginning 1 April 2023. OCSE is granted judgment of \$2074.50 for retroactive child support from 15 November 2022 to 31 March 2023. Parent 1 is ordered to pay \$92.00 monthly, in addition to current support, to apply to this judgement. The

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[REDACTED]

[REDACTED] Department of Health, Division of Vital Records is hereby directed to correct the birth certificate of the minor child(ren) to show Petitioner as the father of the minor child(ren) listed above.

c. On 24 April 2023, Petitioner signed a Record of Emergency Data (DD Form 93) listing child 1 residing with Petitioner's mother at [REDACTED] and again on 19 May 2023, Petitioner signed a DD Form 93 listing his child 1 residing with Petitioner's mother at [REDACTED]

d. Petitioner was discharged with an under honorable conditions (General) character of service and was issued a DD Form 214, Certificate of Release or Discharge from Active Duty for the period of 20 July 2022 to 26 May 2023 for Misconduct – Drug Abuse.

## CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of reference (b)<sup>1</sup> and enclosure (2), the Board finds the existence of an injustice warranting the following partial corrective action. The Board concluded that when Petitioner entered active on 20 July 2022 and had two children out of wedlock. However, Petitioner made no attempt to submit a dependency application until after he was ordered to pay child support on 1 March 2023. Child support was set at \$461 monthly effective 1 April 2023 and retroactive payments for the period of 15 November 2022 to 31 March 2023 were ordered. On 26 May 2023, Petitioner was discharged for Misconduct. Because Petitioner was living in government quarters and child support was only retroactively ordered to 15 November 2022, the Board determined that he is entitled to BAH-Differential (BAH-Diff) from 15 November 2022 until his discharge on 26 May 2023.

## RECOMMENDATION

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

Petitioner was authorized BAH-Diff for the period of 15 November 2022 to 26 May 2023.

Note: Defense Finance & Accounting Service 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

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<sup>1</sup> Reference (b), a Service member may claim a dependent child, adopted child, stepchild, or out of wedlock child, for housing allowance purposes. The service member is authorized a housing allowance if the service member contributes to the dependent's support and that support is at least equal to the applicable BAH-Diff. This includes a service member authorized BAH-Diff and a service member assigned to single-type government quarters when the child is in the physical custody of another person. A service member assigned to single-type government quarters or a single-type housing facility under a Uniformed Service jurisdiction is not usually authorized more than BAH Partial. However, if the service member is authorized BAH solely due to paying child support and the service member is paying an amount equal to or greater than BAH-Diff, then he or she is authorized BAH-Diff. A service member is not authorized BAH-Diff if the child support payment is less than the service member's applicable pay grade BAH-Diff amount. See paragraphs 3.6, 3.7, and 4.3 if child is in the custody of another active duty member.

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[REDACTED]

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.

10/12/2023

[REDACTED]