



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. 5312-23
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 17 October 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 considered the advisory opinion by the Office of the Chief of Naval Operations N130C2 of 9 August 2023, which was previously provided to you for comment.

In accordance with NAVADMIN 101/10 published on 19 March 2010, this NAVADMIN clarifies eligibility and procedures for execution of a close proximity move. The following policy is in accordance with Title 37 U.S. Code Section 403 and Joint Federal Travel Regulations 1 November 2008 and supersedes any guidance on Basic Allowance for Housing (BAH) as it pertains to close proximity moves listed in OPNAVINST 7220.12 and NAVADMIN 026/09.

Service members who have not executed their orders are eligible to remove the household goods (HHG) funding from those orders in order to fall under the provisions of a close proximity move and may be eligible to receive BAH based on the previous Permanent Duty Station (PDS).

Service members with or without dependents who are reassigned within the continental united states, maintain an established residence, and still commute daily to their new PDS or

homeport, may qualify for BAH based on their previous PDS under the provisions of a close proximity move.

To qualify for BAH based on the previous PDS the following provisions must be met: funding for a HHG move must not be authorized; the member must maintain a continuous residence. The member must have established a continuous residence at the previous PDS prior to receiving his/her new orders; the member must commute daily to the new PDS from the same residence.

Finally, to receive BAH based on the old PDS, the member must complete the below steps prior to the execution of orders: request authorization from the gaining commanding officer to receive BAH based on his/her previous duty station. Gaining commanding officers should ensure that member is maintaining a continuous residence and that the commuting distance from that continuous residence is reasonable for the geographic location of the assignment. If approved by the gaining commanding officer, the member must send the approval letter to his/her detailee in order to get the HHG funding removed from his/her orders. Once HHG funding is removed from the orders and the orders are re-issued, the member must take the approval letter and the orders to personnel support detachment upon check in to the gaining command to have BAH based on the previous duty station continued.

On 21 June 2021, you were issued official change duty orders (BUPERS order: 1721) while stationed in ██████████ with an effective date of departure of August 2021. Your ultimate activity was ██████████ for duty with an effective date of arrival of September 2021 with a projected rotation date (PRD) of March 2023.

On 26 July 2021, you were issued official modification to change duty orders (BUPERS order: 1721) while stationed in ██████████ with an effective date of departure of August 2021. Your intermediate (01) activity was ██████████ for temporary duty under instruction with an effective date of arrival of 16 August 2021. Your ultimate activity was ██████████ for duty with an effective date of arrival of September 2021 with a PRD of March 2023. Effective date of ██████████ homeport change to ██████████ is 1 December 2021. Promulgation date was 1 May 2021.

On 14 August 2021, you were transferred from ██████████ and arrived to ██████████ on 15 August 2021 for temporary duty.

On 24 September 2021, you were issued official modification to change duty orders (BUPERS order: 1721) while stationed in ██████████ with an effective date of departure of August 2021. Your intermediate (01) activity was ██████████, ██████████ for temporary duty under instruction with an effective date of arrival of 16 August 2021. Your ultimate activity was ██████████ for duty with an effective date of arrival of September 2021 with a PRD of March 2023. Modification two is issued due to homeport shift cancellation of ██████████.

On 24 September 2021, you were transferred from ██████████ and arrived to ██████████ on 7 October 2021 for duty.

Your BAH at the with-dependent rate for ██████████ stopped on 6 October 2021, and BAH at the with-dependent rate for ██████████ started on 7 October 2021.

On 29 July 2022, ██████████ published a message stating that the ██████████ homeport assignment will shift from ██████████ to ██████████, the actual site of the Depot Modernization period the ship is undergoing. This change shall be effective immediately.

On 27 September 2022, you were issued official change duty orders (BUPERS order: 2702) while stationed in ██████████ with an effective date of departure of April 2023. Your ultimate activity was ██████████ for duty with an effective date of arrival of April 2023 with a PRD of April 2026.

On 23 January 2023, You were issued official modification to change duty orders (BUPERS order: 2702) while stationed in ██████████ with an effective date of departure of April 2023. Your intermediate (01) activity was ██████████ for temporary duty under instruction with an effective date of arrival of 17 April 2023. Petitioner's ultimate activity was ██████████ for duty with an effective date of arrival of April 2023 with a PRD of April 2026.

On 7 April 2023, you were transferred from ██████████ and arrived to ██████████ on 15 April 2023 for temporary duty. On 29 April 2023, you were transferred from ██████████, and arrived to ██████████ on 29 April 2023 for duty.

Your BAH at the with-dependent rate for ██████████ started on 29 April 2023.

On 29 April 2023, you notified Commanding Officer, Afloat Training Croup ██████████ that, "After reading and understanding the limitations of NAVADMIN 101/10, I am requesting to maintain BAH at my previous PDS. Upon reporting to your command, I will have maintained a continuous residence in ██████████ and intend to continue residing there for the duration of my tour. The commuting distance from my residence to your command is 19.8 miles and takes approximately 30 minutes one way.

I fully understand that with your approval of my request, I will have the funding for a HHG move removed from my orders and the authorization to move my family at government expense revoked. Additionally, I realize that if I move my residence at my own expense, I will forfeit the right to receive BAH based on my previous PDS and my BAH rate will be reverted to my current duty location.

I understand that any obligated service that would have been associated with a funded move still applies, and that I am expected to complete that obligated service."

On 29 April 2023, Commanding Officer, Afloat Training Croup ██████████ (First Endorsement on your letter of 29 April 2023) notified Head, Pay and Allowance Section (N130C) that The original effective date of ██████████ homeport change to ██████████ was 1 December 2021 with a promulgation date of 1 May 2021, however, the homeport shift was cancelled and the ship remained in ██████████ dependents executed a

