



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

██████████
Docket No. 6161-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████, USN,
XXX-XX-██████████

Ref: (a) Title 10 U.S.C. § 1552
(b) NAVADMIN 101/10, 19 Mar 10

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 eligible for and received Basic Allowance for Housing (BAH) at the old Permanent Duty Station (PDS) based on execution of a close proximity move.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 1 August 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 20 October 2021, Petitioner was issued official change duty orders (BUPERS order: ██████████) with required obligated service to November 2025, while stationed at ██████████, ██████████ with an effective date of departure of February 2022. Petitioner's intermediate (01) activity was ██████████, ██████████, ██████████ for temporary duty – under instruction with an effective date of arrival of 5 March 2022. Petitioner's ultimate activity was ██████████, ██████████, ██████████ for duty commissioning and fitting out with an effective date of arrival of 29 April 2022, with a Projected Rotation Date (PRD) of November 2025.

b. On 31 January 2022, Petitioner notified commanding officer (CO), ██████████ that in accordance with Title 37 U.S.C. section 403, JFTR chapter 10, NAVADMIN 101/10, and Ser N130C, Petitioner requested to maintain BAH at his previous PDS. Upon reporting to the command, he will have maintained a continuous residence in ██████████, ██████████ and intended to continue residing there for the duration of his tour. The commuting distance from Petitioner's residence to the new command is approximately 32 miles and takes approximately 40 minutes one way. Petitioner fully understands that with the approval of his request he will have the funding for a

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XXX-XX-[REDACTED]

household goods (HHG) move removed from his orders and the authorization to move his family at government expense revoked. Additionally, petitioner realizes that if he move his residence at his own expense he will forfeit the right to receive BAH based on his previous PDS and his BAH rate will be reverted to his current location.

c. On 31 January 2022, CO, [REDACTED] notified Commander, Navy Personnel Command (NPC) that in response to Petitioner's request and in accordance with Title 37 U.S.C. section 403, JFTR chapter 10, NAVADMIN 101/10, and Ser N130C, Petitioner is authorized to receive BAH based on his previous PDS. Please remove the funding for a HHG move from Petitioner's orders and re-issue those orders.

d. On 2 March 2022, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 6 March 2022. On 12 May 2022, Petitioner signed a Record of Emergency Data (DD Form 93) listing his dependents residing at [REDACTED], [REDACTED].

e. On 19 July 2022, Petitioner was issued official modification to change duty orders (BUPERS order: [REDACTED]) while stationed at [REDACTED], [REDACTED] with an effective date of departure of February 2022. Petitioner's intermediate (01) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty – under instruction with an effective date of arrival of 5 March 2022. Petitioner's intermediate (02) activity was [REDACTED], [REDACTED] for temporary duty with an effective date of arrival of 27 April 2022. Petitioner's intermediate (03) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty with an effective date of arrival of 15 July 2022. Petitioner's intermediate (04) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty – under instruction with an effective date of arrival of 4 September 2022. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty commissioning and fitting out with an effective date of arrival of 30 December 2022, with a PRD of November 2025.

f. On 1 December 2022, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 20 December 2022. On 19 December 2022, Petitioner's BAH at the with dependents rate for [REDACTED], [REDACTED] stopped. On 20 December 2022, Petitioner's BAH at the with dependents rate for [REDACTED] / [REDACTED], [REDACTED] started.

g. On 15 February 2023, Petitioner signed a Dependency Application (NAVPERS 1070/602) listing his child residing at [REDACTED], [REDACTED]. Furthermore, Petitioner's spouse is listed as deceased on 17 April 2022.

h. On 12 April 2023, Petitioner was issued official modification to change duty orders (BUPERS order: [REDACTED]) while stationed at [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of February 2022. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty commissioning and fitting out with an effective date of arrival of 30 December 2022, with a PRD of November 2025. Funding remains in orders only for TDY travel and HHG funding has been removed.

i. On 31 July 2023, NAVSUP Fleet Logistics Center Norfolk notified this Board that Personal Property Transportation Auditing Systems shows nothing from 2021.

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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. On 31 January 2022, Petitioner submitted a timely request to receive BAH at the old PDS and to remove funding for HHG to his gaining CO. That same date, Petitioner's gaining CO requested that NPC remove the funding for a HHG move from Petitioner's orders and re-issue those orders. Petitioner was issued official modification to change duty orders (BUPERS order: [REDACTED]) with the funding for HHG removed, however, this action was not completed until Petitioner had executed his orders and was at his new command for approximately 4 months.

RECOMMENDATION

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

Petitioner's request for a close proximity move was approved by cognizant authority prior to executing orders (BUPERS order: [REDACTED]).

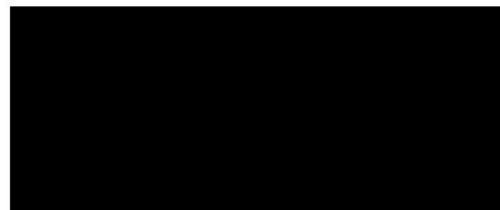
Petitioner was authorized BAH at the with-dependent rate for "[REDACTED]" vice "[REDACTED]" from 20 December 2022 to present. Note: If Petitioner moves from his residence, he will no longer be authorized BAH at the old PDS.

Note: Defense Finance and 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.

8/7/2023



¹ In accordance with reference (b), 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 BAH as it pertains to close proximity moves listed in OPNAVINST 7220.12 and NAVADMIN 026/09.