



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

██████████
Docket No. 7704-23
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 her naval record be corrected to show Petitioner was approved to receive Basic Housing Allowance (BAH) at the with-dependents rate for ██████████ vice ██████████.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 26 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 19 January 2023, Petitioner was issued official change duty orders (BUPERS order: 0193) while stationed at ██████████ with an effective date of departure of June 2023. Petitioner's ultimate activity was ██████████ for duty with an effective date of arrival of 18 July 2023.

b. On 22 March 2023, Petitioner signed a Special Request/Authorization (NAVPERS 1336/3) respectfully request to continue receiving BAH at current permanent duty station (PDS), which was certified on 29 March 2023.

c. On 23 March 2023, Petitioner notified Commanding Officer, ██████████ ██████████ that he was requesting to maintain BAH at his previous PDS, and upon reporting to his new command he will have maintained a continuous residence in ██████████ and intend to continue residing there for the duration of his tour. Further stating that the commuting distance from his

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residence to his command is 85 miles and takes approximately 1.5 hours one way. And Petitioner fully understand that with approval of his request, he will have the funding for a household goods (HHG) removed from his orders and the authorization to move his family at government expense revoked. Additionally, acknowledging that if he moves 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 PDS. Petitioner understood that any obligated service that would have been associated with a funded move still applies, and that he be expected to complete said obligation.

d. On or about 5 April 2023, Commanding Officer, [REDACTED] notified MM Lead Detailer and Rating Specialist, Naval Personnel Command that Petitioner is authorized to receive BAH based on previous PDS and to remove the line of accounting (LOA) from orders or issue a modification if orders have already been written. Further stating that Petitioner had established residence prior to the date orders were issued. And Petitioner will be commuting daily to new PDS, and the commuting distance is reasonable for this geographic location. And Petitioner is currently residing in [REDACTED] area as stated on NAVPERS 1070/602”.

e. On 20 April 2023, Petitioner signed an Electronic Personnel Action Request (NAVPERS 1306/7) requesting removal of LOA for BAH based on previous PDS under provisions of a close proximity move, which was certified on 28 April 2023.

f. On 25 April 2023, Navy Personnel Command (PERS-402) notified [REDACTED], command career counselor that he submitted an order modification to remove the LOA for a close proximity move, and on 1 May 2023, Petitioner was issued official modification to change duty orders (BUPERS order: 0193).

g. On 1 June 2023, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 29 June 2023 for duty. On 30 June 2023, BAH at the with-dependent rate for [REDACTED] stopped effective 28 June 2023 and BAH at the with-dependent rate for [REDACTED] started on 29 June 2023.

h. On 1 August 2023, Petitioner signed a Dependency Application (NAVPERS 1070/602) listing Petitioner’s spouse residing at [REDACTED] which was certified on 2 August 2023.

i. 29 August 2023, Distribution Policy & Procedures (PERS-451H) notified Command Pay and Personnel Administrator supervisor, [REDACTED] that the request for BAH at the dependent location cannot be approved, as Petitioner is assigned to shore duty and does not meet criteria for secretarial waiver. Additionally, stating that the request for close proximity move authorization cannot be approved. And while the request was made prior to the execution of the permanent change of station orders, the detailers did not modify the orders to remove the LOA and insert the specific close proximity text as outlined in the attached NAVADMIN 101/10. And It was recommended that Petitioner petition this Board.

j. On 24 September 2023, NAVSUP Fleet Logistics Center Norfolk notified the Board that there is no shipment of HHG for Petitioner’s orders.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that Petitioner submitted a request to receive BAH at the old PDS based on the provisions of a close proximity move prior to the execution of orders. Petitioner's command career counselor was notified by PERS-402 that they submitted an order modification to remove LOA for the close proximity move, however Petitioner's orders modification was issued with the LOA still included. The Board determined that Petitioner had approval of the gaining command, did not move residences, will be commuting daily to new PDS, and the commuting distance is reasonable for the geographic location. Therefore, Petitioner is eligible to receive BAH at the with-dependent rate based on the old PDS.

RECOMMENDATION

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

Petitioner official modification to change duty orders (BUPERS order: 0193) issued on 1 May 2023 show that LOA was removed.

Petitioner was authorized BAH at the with-dependent rate for [REDACTED] vice [REDACTED] from 29 June 2023 to present. Note: If Petitioner moves from residence, she 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.

9/29/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]