



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

█
Docket No. 9219-23
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 received basic allowance for housing (BAH) based on the previous duty station.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 13 December 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 10 August 2022, █ Association of Realtors issued Petitioner a Residential Lease or Month-To-Month Rental Agreement located at █ effective 3 September 2022.

b. On 13 March 2023, Petitioner was issued official change duty orders (BUPERS Order: 0723) with required obligated service to July 2023, while stationed in █ with an effective date of departure of July 2023. Petitioner's ultimate activity was █ for duty with an effective date of arrival of 14 August 2023 with a projected rotation date of August 2026.

c. On 10 July 2023, Petitioner's address was verified via Navy Standard Integrated Personnel System (NSIPS) listing █.

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d. On 11 August 2023, Commanding Officer, [REDACTED] notified Commander, Navy Personnel Command (PERS-407) via First Endorsement on Petitioner's request of 5 August 2023 that, "[i]n accordance with references (a) through (d), the requesting service member is authorized to receive [BAH] based on their previous Permanent Duty Station (PDS). Please remove the funding for household goods (HHG) move from the members orders and re-issue those orders. The member established a residence prior to the date the member's orders were issued, the member will be commuting daily to their new PDS, and the commuting distance is reasonable for this geographic location. With the removal of the funding for a HHG move, the member realizes they have forfeited the authorization for the government to fund a move. The member will forfeit the right to receive BAH based on their previous PDS if the member moves their residence at their own expense. As indicated in the request, the member acknowledges that any obligated service associated with these orders must still be completed."

e. On 11 August 2023, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 14 August 2023 for duty.

f. On 17 August 2023, Petitioner's BAH at the with-dependents rate for [REDACTED] stopped effective 13 August 2023 and BAH at the with-dependents rate for [REDACTED] started on 14 August 2023.

g. On 8 December 2023, Petitioner's address was verified via NSIPS listing [REDACTED].

h. On 8 December 2023, NAVSUP Fleet Logistics Center Norfolk notified this Board that there is no evidence of Petitioner utilizing a government move.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that on 11 August 2023, Commanding Officer, [REDACTED] notified Commander, Navy Personnel Command (PERS-407) that Petitioner met the requirements for a close proximity move, however the line of accounting was not removed from Petitioner's orders prior to transfer. As a result, Petitioner was ineligible to receive BAH 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: 0723) issued on 10 August 2023 line of accounting was removed.

Petitioner's BAH at the with-dependents rate for [REDACTED] vice [REDACTED] started on 14 August 2023. Note: If Petitioner moves from his residence, he will no longer be authorized BAH at the old PDS.

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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.

12/17/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]