



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

█
Docket No. 9656-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █, USNR, █

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 the line of accounting from BUPERS Order 0553 was removed and he received back pay for basic allowance for housing (BAH).

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 5 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 30 January 2023, Commanding Officer, Navy Reserve Center Alameda notified Personnel Specialist Detailer via Petitioner that, "In response to Petitioner's letter of 24 January 2023, and in accordance with NAVADMIN 101/10, N130 Close Proximity Move Guidance of 8 June 2009, OPNAVINST 7220.12 change 1, and JFTR Chapter 10, [Petitioner] is authorized to receive BAH based on his previous Permanent Duty Station (PDS). Please remove funding for a 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 commute daily to his new PDS, and the commuting distance is reasonable for this geographic location.

With removal of the funding for a HHG move, the member realizes he has forfeited the authorization for the government to fund a move. Additionally, the member will forfeit the right to receive BAH based on his previous PDS if the member moves his residence at his own expense. As indicated in the request, the member acknowledges that any obligated service associated with these orders must still be completed."

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b. On 15 February 2023, Petitioner notified TAR Enlisted Detailing (PERS-4012), Navy Personnel Command that, "Attached is my BAH close proximity request. Please let me know if you have any questions."

c. On 15 February 2023, AR Enlisted Detailing (PERS-4012), NPC notified Petitioner that his request was, "Received and approved."

d. On 24 February 2023, Petitioner was issued official change duty orders (BUPERS Order: 0553) with required obligated service to October 2026, while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of September 2023. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 31 October 2023 with a projected rotation date of October 2026.

e. On 2 May 2023, Petitioner signed a Dependency Application (NAVPERS 1070/602) listing Petitioner's address of [REDACTED], [REDACTED].

f. On 17 September 2023, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 16 October 2023.

g. On 22 September 2023, Petitioner signed a residential lease agreement located at [REDACTED], [REDACTED] for the period of 1 October 2022 to 30 October 2026.

h. On 16 October 2023, Petitioner's BAH at the with-dependents rate for [REDACTED], [REDACTED] stopped effective 15 October 2023 and BAH at the with-dependents rate for [REDACTED], [REDACTED] started on 16 October 2023.

i. On 4 December 2023, NAVSUP Fleet Logistics Center Norfolk notified BCNR that there was no shipment of HHG for those orders.

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

¹ Reference (b), 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 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 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 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.

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following corrective action. The Board concluded that Petitioner met the requirements for a close proximity move, submitted his request in a timely manner, and his request was approved by PERS-4012. Due to administrative oversight, the line of accounting was not removed from his orders and 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: 0553) issued on 16 September 2023 line of accounting was removed.

Petitioner's BAH at the with-dependents rate for [REDACTED], [REDACTED] vice [REDACTED], [REDACTED] started on 16 October 2023. 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.

12/11/2023

[REDACTED]