



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

█  
Docket No. 140-24  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █  
█

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 authorized to receive Basic Allowance for Housing (BAH) at previous Permanent Duty Station (PDS) under the provisions of close proximity move.

2. The Board, consisting of █ reviewed Petitioner's allegations of error and injustice on 30 January 2024 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 21 February 2021, Petitioner and his spouse entered into a lease agreement for a property located at █. The term of this Lease is for twenty-two (22) months, commencing on the 21st day of March 2021 and expiring on the 22nd day of January 2023, unless renewed or extended pursuant to the terms herein.

b. On 1 November 2022, Petitioner was issued official change duty orders (BUPERS order: 3052) while stationed in █ with an effective date of departure of February 2023. Petitioner's intermediate (01) activity was █ for temporary duty under instruction with an effective date of arrival of 27 February 2023. Petitioner's ultimate activity was █ for duty with an effective date of arrival of May 2023 with a Projected Rotation

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[REDACTED]

Date of May 2026. This order is issued with, no entitlement for relocation of dependents or movement of household goods (HHG). Relocation of HHG within the same PDS is not authorized. Accounting data is provided solely for miscellaneous expenses related to change of assigned unit and/or transportation to/from TEMDU/TEMDUINS.

c. On 6 February 2023, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 26 February 2023 for temporary duty.

d. On 19 May 2023, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 24 May 2023 for duty.

e. On 26 May 2023, Petitioner's BAH at the with-dependents rate for [REDACTED] Metro Area [REDACTED] stopped effective 23 May 2023 and BAH at the with-dependents rate for [REDACTED] started on 24 May 2023.

f. On 30 June 2023, Petitioner signed a Dependency Application (NAVPERS 1070/602) listing his spouse's address of [REDACTED]

g. On 24 January 2024, Commander, [REDACTED] notified Commander, [REDACTED] that, "In response to [REDACTED] letter of 14 June 2023 and in accordance with Title 37 U.S.C Chapter 7 Section 403, JFTR, Chapter 10, and NAVADMIN 101/10, the requesting service member is authorized to receive BAH based on his previous PDS.

The member established a residence prior to the date his orders were issued. The member is commuting daily to his new PDS location at [REDACTED]. The commuting distance from his residence in [REDACTED] is reasonable for this geographic location.

The member was not granted the opportunity to move residences through a traditional HHG move and has not conducted a move under his own means. The HHG line of accounting was never provided with the understanding that the member would be maintaining his residence. The continuance of his BAH at his previous PDS is essential to ensure the member's continued operational support capability, by avoiding the possibility of financial distress due to the cost of living at his previous PDS and the addition of the first child to the family dynamic should his BAH be removed.

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 orders must still be completed."

h. On 26 January 2024, NAVSUP Fleet Logistics Center Norfolk notified the Board that Petitioner's last government move was 10 January 2020.

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[REDACTED]

## 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 agreed that although Petitioner did not complete the requirements detailed in reference (b) to receive BAH at the previous PDS under the provisions of a close proximity move prior to the execution of his orders, his orders did not authorize a HHG move and did not contain a line of accounting. Petitioner's gaining command confirmed that Petitioner established a residence prior to the date his orders were issued, is commuting daily to his new PDS location at [REDACTED] and that the commuting distance from his residence in [REDACTED] is reasonable for this geographic location. Therefore, the Board determined that Petitioner should receive BAH based on the old PDS.

## 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: 3052).

Petitioner's BAH at the with-dependents rate for "[REDACTED] vice [REDACTED]" started on 24 May 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.

2/2/2024

[REDACTED]