



Work-Product

## UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-03523

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

### APPLICANT'S REQUEST

He be granted an Exception to Policy (ETP) for a Secretarial Housing Waiver in order to receive backdated eligibility for entitlement of the Dual Basic Allowance for Housing (BAH) without dependents, in accordance with the FY24 NDAA Section 624.

### APPLICANT'S CONTENTIONS

He is requesting only the BAH for **Work-Product**, for the period he was attending Army Command and General Staff College (CGCS). At the time, although he did not have dependents, he did maintain two households. Based on recent changes in the allowance of Dual BAH for members with dependents, effective with the *Fiscal Year 2023 (FY23) National Defense Authorization Act* (NDAA) and reflected in the *Joint Travel Regulation*, dated 1 Nov 20, he is asking for an exception to policy based on the Dual BAH change. As a member with no dependents, no guaranteed follow on assignment, and no placement after a formal school it did not make sense for him to sell his home and/or move his household goods (HHG). He planned for a worst case scenario of returning to the position that he had just left as that was the only certainty. He took BAH in lieu of PCS entitlements after talking with his orders clerk, **W** FM/Comptroller, and after hearing a presentation by the Air Force Reserve Center Financial Management (AFRC/FM) representative. Everything was originally approved for his school starting in June 22. He was trying to save some PCS trouble as well as make it cheaper for both him and the Air Force by taking his BAH for **Work-Product** in lieu of BAH for **Work-Product**. It would have cost over \$6k each way for a permanent change of station (PCS) move, and the BAH difference for the 11+ months he was at school was just over \$6k. He spoke with a classmate that was also a reservist that had done the same thing, only difference was that he had a dependent. Based on the recently changed allowances and the fact that he did not receive any PCS entitlements, this waiver seems like a reasonable request.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is an Air Force Reserve major (O-4).

On 20 Jun 22, according to Reserve Order No. **Work-Product** dated 3 May 22, provided by applicant, he was ordered report to **Work-Product**, for the purpose of attending Army Command and General Staff College (CGCS) for a period of 355 days. Further, the orders reflect the applicant will depart from his home in **Work-Product** and return to his home in **Work-Product**.

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On 12 Jun 23, Reserve Order No. [Work-Product] provided by applicant, was amended to reflect he will depart from his home in [Work-Product] and remain in place at [Work-Product].

On 7 Jul 23, Reserve Order No. [Work-Product] provided by applicant, was again amended and reflects member will depart from his home in [Work-Product] and return to his home in [Work-Product].

For the period of 19 Jun 22 – 9 Jun 23, according to AF Form 475, *Education/Training Report*, signed 4 Aug 23, the applicant attend Army CGCS at [Work-Product].

On 28 Aug 23, according to email traffic, provided by applicant, the applicant informed the [W...] AW/FM that a Waiver was requested. On that same date, according to email, AFPC/DP1TSA informed the applicant “Since you are authorized a HHGs shipment and you don’t have dependents IAW submitted certified DDFM1172, you do not meet the criteria for a waiver and your BAH rate will be based on your new duty location.”

On 29 Aug 23, according to email traffic, provided by applicant, the applicant informed the [W...] AW/FM that “...AFPC just denied my BAH waiver because I do not have dependents, and the Low Cost/No Cost PCS is not an option.”

On 21 Dec 23, according to [W...] AW/FMFPM memorandum, *Notification of Indebtedness against Your Pay Account*, provided by applicant, he was notified of a charge in the amount of \$17,154.10 against his account as a result from a BAH adjustment.

On 22 Dec 23, *H.R.2670, National Defense Authorization Act for Fiscal Year 2024*, became Public Law No. 118-31. Section 624, authorized certain members of the reserve components who are ordered to active duty for training to receive two housing allowances, one for their duty location and one for the location of their primary residence, even when the member is authorized transportation of household goods to their duty location.

On 23 Dec 23, according to SAF/FMFC-A (AFAFO-F) memorandum, *Dual Basic Allowance for Housing when Attending Professional Military Education or Training*, dated 9 Sep 24, states this is the effective, retroactive date that the FY24 NDAA authorized a dual allowance for housing at the without dependent rate for an Air Reserve Component (ARC) service members, without dependents, if called to active duty training for participation in professional military education or training of at least 140 days but fewer than 365 days.

On 19 Jan 24, he acknowledged receipt of the *Notification of Indebtedness against Your Pay Account*, and requested a longer method of repayment because of hardship not to exceed 12 months.

For more information, see the applicant’s submission at Exhibit A, the excerpt of the applicant’s record at Exhibit B and the advisory at Exhibit C.

#### **APPLICABLE AUTHORITY/GUIDANCE**

**SAF/FMFC-F (AFAFO-F) Memorandum**, *Dual Basic Allowance for Housing when Attending Professional Military Education or Training*, dated 9 Sep 24. The FY24 National Defense Authorization Act, Section 624, directs the Department to authorize a dual allowance for housing at the without-dependent rate for an Air Reserve Component (ARC) service member, without dependents, if called to active duty training for participation in professional military education or

training for a period of at least 140 days but fewer than 365 days. This is effective, retroactively to 23 Dec 23.

**H.R.2670 - National Defense Authorization Act for Fiscal Year 2024**, (22 Dec 23 became Public Law No: 118-31), Title VI--*Compensation and Other Personnel Benefits*, Subtitle C—*Allowances*, (Sec. 624) This section authorizes certain members of the reserve components who are ordered to active duty for training to receive two housing allowances, one for their duty location and one for the location of their primary residence, even when the member is authorized transportation of household goods to their duty location. This authority applies to reservists who (1) have no dependents, (2) are ordered to active duty for training purposes for a period of 140 to 364 days, and (3) either own or are responsible for rental payments on their primary residence.

**Secretarial Housing Waiver (BAH/OHA) PSD Guide**, Version 2, 20 Sep 17. 1. Introduction: BAH/OHA waivers provide temporary assistance to Airmen and their dependents to ease the transition of a Permanent Change of Station (PCS) move to the new Permanent Duty Station (PDS) in limited situations when the Airmen and dependents will reside separately. A waiver under this authority does not provide for "dual" housing allowances; rather, the member's old PDS or dependents' location could be eligible for a higher BAH rate than the member's new PDS assignment.

## **AIR FORCE EVALUATION**

AFRC/FMFQ recommends denying the request. Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice. The applicant received an order, originally created as a TDY order but later modified to a PCS, to attend the Army Command and General Staff College at **Work-Product**, from 19 Jun 22 to 10 Jun 23. Although he maintained two households, he did not have dependents. The Dual Basic for Housing without dependents was established by the FY24 NDAA, however, it was not passed into law until 22 Dec 23, after the applicant's tour of duty. There is not authority to grant the request.

The complete advisory opinion is at Exhibit C.

## **APPLICANT'S REVIEW OF AIR FORCE EVALUATION**

The Board sent a copy of the advisory opinion to the applicant on 3 Jun 25 for comment (Exhibit D), but has received no response.

## **FINDINGS AND CONCLUSION**

1. The application was timely filed.
2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, the Board concludes the applicant is not the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFRC/FMFQ and finds a preponderance of the evidence does not substantiate the applicant's contentions. The FY24 NDAA, Section 624, authorizes a dual allowance for housing at the without-dependent rate for an ARC service member, without dependents, if called to active duty training for participation in professional military education or training for a period of at least 140 days but fewer than 365 days and was effective, retroactively to 23 Dec 23. The duration of the applicant's orders was for 356 days with a start date in Jun 22. While the Board sympathizes with the applicant's circumstance,

the Board notes the applicant’s period of service predates the effective retroactive date provided by law. As such, the Board determines the applicant’s request falls beyond their authority and finds that the requested relief is not warranted. Therefore, the Board recommends against correcting the applicant’s records.

4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board’s understanding of the issues involved.

RECOMMENDATION

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

CERTIFICATION

The following quorum of the Board, as defined in Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2024-03523 in Executive Session on 18 Jul 25:

Work-Product	Panel Chair
Work-Product	Panel Member
Work-Product	Panel Member

All members voted against correcting the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 24 Oct 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFRC/FMFQ, w/atchs, dated 20 May 25.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 3 Jun 25.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

7/30/2025

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Board Operations Manager, AFBCMR

Signed by: USAF