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UNITED STATES AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-00651

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: YES

APPLICANT'S REQUEST

- 1. He receive pay for Basic Allowance for Housing (BAH) for period of 14 May 20 – 16 Sep 20. (Administratively Corrected).
2. He receive compensation in the amount of \$10,000 for financial hardship incurred due to not receiving BAH as entitled.

APPLICANT'S CONTENTIONS

Although he submitted the required documentation through his chain of command as requested by the Work-Product Airlift Wing Financial Management (AW/FM) office, he did not receive his BAH allowance during his time in tech school for the period of 14 May 20 - 16 Sep 20. In addition, he was not briefed prior to starting his tech school orders on the requirements for receiving entitlements or the BAH documents needed to begin payment. Prior to starting his orders, he withdrew a lump sum from his banking account and paid his lease in advance with the expectation of receiving BAH. When he submitted his AF Form 594, Application and Authorization to Start, Stop or Change Basic Allowance for Quarters (BAQ) or Dependency Redetermination, and lease to his leadership on 21 Aug 20, the BAH payments were denied with the explanation: "per our office policy this lease is not an acceptable lease. For starters the lease is between family members and is a month-to-month lease." When his unit leadership requested to see a copy of the policy and a point of contact for requesting an exemption to policy, the requests went unanswered. Per the Secretary of the Air Force (SECAF) memorandum, dated 17 Feb 17, concerning Temporary Duty (TDY) Waivers for Formal Training Courses, it states that all ANG/AFRC students in Air Force Specialty Code (AFSC) 1N431B initial skills training will do so in temporary duty status (TDY) status. Therefore, TDY status entitles him to BAH since he is a reservist that has to maintain a household when he returns. The member received BAH at Basic Military Training (BMT) and due to his break-in-training had to provide an AF Form 594 to restart his BAH. Due to the above facts, he is deserving of his BAH payments of approximately \$4,787.20 along with being awarded an additional \$10,000 for the financial hardship he incurred during the time he should have been receiving BAH.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force Reserve (AFR) staff sergeant (E-5).

From 14 May 20 – 16 Sep 20, according to Air Force Reserve Orders Writing System – Reserve (AROWS-R) Work-Product dated 8 May 20, and AROWS-R Work-Product dated 16 Nov 20, documents

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provided by the applicant, he was, in accordance with 10 USC 12301(d), on TDY status to attend training school at Goodfellow AFB, TX.

On 17 Sep 20, his DD Form 214, *Certificate of Release or Discharge from Active Duty*, dated 17 Sep 20, reflects his AFSC of 1N431B, and he was on active duty for the period of 14 May 20 to 17 Sep 20, in accordance with Title 10, USC 12301 (d), to attend the Analysis and Production Apprentice Course.

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

**AIR FORCE EVALUATION**

AFRC/FMFQ administratively corrected the applicant's request for BAH. However, they stated they were unable to address that portion of his request for \$10,000 for financial hardship and will forward the issue to HQ AFRC/JA for an "official read."

The complete advisory opinion is at Exhibit C.

AFRC/JA recommends denying the applicant's request for \$10,000 for financial hardship due to not receiving BAH as entitled. His financial expenses, as outlined in his financial breakdown, do not fall under the scope of what are considered reimbursable claims for loss under 10 USC §1552, *Correction of military records: claimants incident thereto*, which states (excerpted): "The Secretary concerned may pay...a claim for the loss of pay, allowances, compensation, emoluments or other primary benefits, or for the repayment of a fine or forfeiture, if, as a result of correcting a record under this action, the amount is found to be due to the claimant on account of his service in the...Air Force... ."

Although the applicant states, "...not receiving any reimbursement has caused financial hardship ...because of the thousands of dollars I have lost to pay rent while I was gone. This money would have been used for helping with future expenses of rent, and other bills, as well as helping with costs of going back to college...", he does not state a sum certain for these "future expenses." He then goes on to list expenditures in addition to rent, which include phone bills and car insurance.

His housing costs will be reimbursed up to the amount authorized, as AFRC/FM has directed the unit to pay the applicant his due BAH. However, they opine he would have had to pay for his phone, and car insurance regardless of his entitlement to BAH, and therefore are not costs associated with a loss of pay, allowances, compensation, emoluments or other pecuniary benefits, or the repayment of a fine or forfeiture, as defined by 10 USC §1552.

The complete advisory opinion is at Exhibit D.

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

The Board sent a copy of the advisory opinion to the applicant on 11 Dec 23 for comment (Exhibit E), and the applicant replied on 8 Jan 24. In his response, the applicant contends the issue is the length of time it took for him to receive his BAH money which resulted in him having to pay out of pocket, by dipping into his savings, causing serious financial strain. The amount of time he had to spend on waiting for the money owed to him is beyond reason which is why he is asking for the additional compensation of \$10,000.

The applicant's complete response is at Exhibit F.

**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/JA and finds a preponderance of the evidence does not substantiate the applicant’s contentions. While the applicant contends he incurred financial hardship as a direct result of not receiving his BAH entitlement, the Board disagrees. The Board finds that, in accordance with 10 USC §1552, the applicant has not provided sufficient evidence that supports his claim for the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, which are a result of a correction to his record. Therefore, with the exception of the administrative correction, 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-2023-00651 in Executive Session on 9 Jan 24.

- 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 3 Mar 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFRC/FMFQ, dated 28 Sep 23.
- Exhibit D: Advisory Opinion, AFRC/JA, w/atch, dated 11 Dec 23.
- Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 11 Dec 23.
- Exhibit F: Applicant’s Response, w/atchs, dated 8 Jan 24.

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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.

4/28/2024

X **Work-Product**

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**Work-Product**  
Board Operations Manager, AFBCMR  
Signed by: **Work-Product**