

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 October 2024

DOCKET NUMBER: AR20240001307

APPLICANT REQUESTS: Basic Allowance for Housing (BAH) for the period of 5 August through 28 September 2023.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Installation Management Command (IMCOM) – Europe Wiesbaden Transition Center Orders Number 058-0001
- IMCOM Form 45 (Soldier Participation Memorandum – Army Career Skills Program (CSP))
- Air Bed and Breakfast (Airbnb) receipt, 27 April 2023
- Email between applicant and Stuttgart Army Finance Office 29 June through 2 August 2023
- Airbnb receipt, 27 August 2023
- U.S. Army Human Resources Command (AHRC) Memorandum, Subject: BAH Secretarial Waiver
- Email traffic between applicant and Stuttgart Army Finance Office 31 October through 1 November 2023
- Embassy of the United States Yerevan, Armenia certification of housing clearance

FACTS:

1. The applicant states, he submitted his request to initiate BAH on 5 August 2023 when his family signed out of housing at his duty station at the U.S. Embassy in Armenia and arrived at his next duty station at the CSP/Skill bridge internship in South Carolina (SC) that evening. At which time, he began to incur housing expenses. Because of the rules for the internship, he needed a BAH waiver which was approved; however, it was effective 29 September 2023. This left him to cover housing expenses out of pocket for the period of 5 August through 28 September 2023 for the following expenses:

- Airbnb for the period of 5 August through 2 September 2023 in the amount of \$3,117.62

- Airbnb for the period of 4 through 16 September 2023 in the amount of \$1,557.14
- Mortgage and portion of down payment of purchase of a house for the period of 16 through 28 September 2023 in the amount of \$1,240.69
- Grand total of out of pocket housing expenses in the amount of \$5,915.45

It is unjust for his family not to receive government housing support for the period of 5 August through 28 September 2023. He believes the cause of this is the policy for the CSP/Skill bridge does not account for Soldiers who retire from foreign embassy locations and the fact BAH waivers cannot be backdated to the date when BAH would be required.

2. A review of the applicant's service records shows:

a. With prior enlisted U.S. Army Reserve (USAR) and Army National Guard (ARNG) service, on 22 April 2003, the applicant was ordered to active duty to accept an appointment in the USAR for an active duty commitment, effective 5 June 2003.

b. On 9 May 2003, the applicant executed his oath of office and was appointed a Reserve commissioned officer.

c. On 5 June 2003, the applicant was honorably discharged from the ARNG. National Guard Bureau (NGB) Form 22 (Report of Separation and Record of Service) shows the applicant completed 1-year, 6-months, and 3-days of service.

d. On 20 June 2014, Orders Number 171-142, issued by HQs, U.S. Army Training Center, the applicant proceeded on a Permanent Change of Station (PCS), effective 1 September 2014 to U.S. Army Element European Command. The additional instructions stated Family Travel was approved for his spouse and three dependent children.

e. On 16 June 2017, Orders Number 170-02, issued by HQs, U.S. Army Garrison Stuttgart, the applicant proceeded on a PCS, effective 8 January 2018, to U.S. Army Attaché Bulgaria. The additional instructions stated the movement of his command sponsored dependents to his next duty station was authorized for his spouse and three dependent children.

f. On 1 February 2023, Orders Number 3153526.01, issued by the Department of the Army, the PCS action was amended which changed the effective date of report to 22 August 2021 to the Office of the Defense Corporation Armenia as the Chief, Office of Defense Cooperation Armenia, with an end date of 22 August 2023. The additional information provided the applicant's dependent information for his spouse and three dependent children which were traveling with the applicant.

g. On 27 February 2023, Orders Number 058-0001, issued by IMCOM – Europe Wiesbaden Transition Center, the applicant was ordered to the U.S. Army Transition Point Fort Gordon, GA, effective 30 November 2023, for retirement on 31 January 2024 and placement on the retired list, effective 1 February 2024. The additional instructions states concurrent travel for his command sponsored family member for his spouse and three dependent children.

h. On 31 January 2024, the applicant was honorably retired from active duty and assigned to the USAR Control Group (Retired Reserve). DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant completed 20-years, 7-months, and 25-days of active service. It also shows in item 8a (Last Duty Assignment and Major Command): Office of Defense Corporation, Armenia.

i. On 1 February 2024, Orders Number 3153526.02, issued by the Department of the Army, the PCS action was amended to show an effective date of report of 22 August 2021 to the Office of the Defense Corporation Armenia as the Chief, Office of Defense Cooperation Armenia with an end date of 31 January 2024. The additional information provided the applicant's dependent information for his spouse and three dependent children which were concurrently traveling with the applicant.

j. On 1 February 2024, Orders Number 7146397, issued by the Department of the Army, the applicant was assigned to the U.S. Army Retired List, effective 1 February 2024.

3. The applicant provides:

a. IMCOM Form 45 which shows the applicant was to participate in the CSP Military Missions Network program during the period of 4 September through 28 November 2023 in Taylor, SC, followed by his retirement on 31 January 2024. The applicant had been counseled on financial implications of his enrollment in the CSP and if applicable, he was able to meet those demands.

b. Airbnb receipt dated 27 April 2023 to cover lodging accommodations in Taylors, SC, for the period of 5 August through 2 September 2023 in the amount of \$3,117.62.

c. Email between applicant and Stuttgart Army Finance Office 29 June through 2 August 2023 which shows the applicant requested BAH to begin on 5 August 2023 for the zip code of 29687 rate, the location of his Skill bridge internship and where he would be living until his retirement on 31 January 2024. The applicant was informed by the Stuttgart Army Finance Office that BAH was not automatic for the Skill bridge program because it is considered permissive temporary duty away from this permanent duty station. Upon completion of the program, he was required to return to his duty station for

unit out-processing and final out-processing for his retirement. BAH is paid based on a member's duty station. He had two options regarding his BAH:

(1) Obtain approval to clear his unit prior to the internship and if approved once he cleared there would not be a requirement for his return. Then BAH would be effective the date he departed.

(2) Submit a request for a Secretarial BAH waiver in lieu of overseas housing entitlement, which are effective the date submitted to G1 for review and would not be backdated.

d. Airbnb receipt dated 27 August 2023 to cover lodging accommodations in Taylors, SC, for the period of 4 through 16 September 2023 in the amount of \$1,557.14.

e. AHRC Memorandum, Subject: BAH Secretarial Waiver, dated 30 October 2023, which shows the applicant's request for an Advance Travel BAH Waiver to receive BAH based on his dependents' location in Taylors, SC, was approved, effective 29 September 2023. The Service Secretary or designee may grant a housing allowance waiver for Soldiers departing PCS with dependents traveling before or after the member. This waiver does not authorize you to receive Family Separation Allowance or Family Separation Housing.

f. Email traffic between applicant and Stuttgart Army Finance Office 31 October through 1 November 2023 which shows the applicant provided his BAH waiver to the Stuttgart Army Finance Office for processing. On 1 November 2023, the applicant was notified BAH would be imputed into his military pay record.

g. Embassy of the United States Yerevan, Armenia certified the applicant a Department of Defense employee departed his government provided housing and post on 5 August 2023.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence shows the applicant submitted a BAH Waiver to begin on 5 August 2023 when his family signed out of housing at his duty station at the U.S. Embassy in Armenia and arrived at his next duty station at the internship location in South Carolina (SC). The applicant's request for an Advance Travel BAH Waiver to receive BAH based on his dependents' location in Taylors, SC, was approved, effective 29 September 2023. However, this left him to cover his own housing expenses out of pocket for the period of

5 August through 28 September 2023. The Board determined an injustice occurred and voted to grant relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the HRC Memorandum, Subject: BAH Secretarial Waiver, dated 30 October 2023, to show the applicant's request for an Advance Travel BAH Waiver to receive BAH based on his dependents' location in Taylors, SC, was approved, effective 5 August 2023 vice 29 September 2023.

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I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Department of Defense Financial Management Regulation 7000.14-R, Volume 7A, chapter 26 (Housing Allowances) establishes policy pertaining to housing allowances. Housing allowances include Basic Allowance for Housing (BAH), Overseas Housing Allowance (OHA), and Family Separation Housing (FSH) Allowance. Entitlement eligibility is subject to the conditions set forth in this chapter.

a. Paragraph 2.2.1.1 (Start), unless specifically authorized elsewhere in this chapter, Permanent Duty Station (PDS), housing allowance eligibility starts on a Service member's reporting day to a new PDS. OHA and FSH-O start on the day a Service member incurs a financial obligation for private-sector housing (e.g., the lease start date), assuming all other criteria for OHA or FSH-O is met. If the Service member is authorized a Monetary Allowance in Lieu of Transportation (MALT) plus per diem (MALT Plus) on the reporting day, OHA eligibility starts on the day after the Service member's reporting day.

b. Paragraph 5 (Basic Allowance for Housing (BAH)), BAH is paid for housing within the United States. Assignment to Government quarters affects a Service member's eligibility for BAH. A housing allowance, other than BAH-Partial or BAH-Diff, is not authorized for a Service member who is assigned to Government quarters appropriate to the Service member's grade, rank, or rating and adequate for the Service member and dependents, if any.

c. Paragraph 6 (Overseas Housing Allowance (OHA)), OHA is paid monthly to help offset housing expenses for a Service member or dependent authorized to live in private sector leased or owned housing at an assigned overseas location outside the United States. OHA is based on cost reimbursement. The amount of OHA paid considers factors, such as whether the housing is shared, the appropriate utilities, and whether the Service member owns or rents the housing. A Service member is reimbursed actual rental costs, limited to the maximum OHA rate for each locality and grade.

d. Paragraph 10.2.1 (Authorized Bah or OHA) except for a Service member paying child support and assigned to Government quarters, a Service member with a dependent, who is entitled to basic pay is authorized BAH or OHA at the with-dependent rate when a dependent is not en route or does not accompany the Service member to the PDS, or the PDS vicinity, which prevents assignment of family quarters. This situation does not prevent the Service member from receiving BAH or OHA for a dependent.

e. Ordinarily a housing allowance is based on the Service member's PDS, or the home port for a Service member assigned to a ship or afloat unit. However, the Service

may determine that a Service member's assignment to a PDS, or the circumstances of that assignment, requires a dependent to reside separately. Authorization or approval of a housing allowance based on the dependent's location or old PDS is through the Service Secretary or through the Secretarial Process.

2. Title 37 United States Code (USC) section, 403 (Basic allowance for housing), except as otherwise provided by law, a member of a uniformed service who is entitled to basic pay is entitled to a basic allowance for housing at the monthly rates prescribed under this section or another provision of law with regard to the applicable component of the basic allowance for housing. The amount of the basic allowance for housing for a member will vary according to the pay grade in which the member is assigned or distributed for basic pay purposes, the dependency status of the member, and the geographic location of the member. The basic allowance for housing may be paid in advance. (i) (Temporary Housing Allowance While in Travel or Leave Status), a member of a uniformed service is entitled to a temporary basic allowance for housing (at a rate determined by the Secretary of Defense) while the member is in a travel or leave status between permanent duty stations, including time granted as delay enroute or proceed time, when the member is not assigned to quarters of the United States.

//NOTHING FOLLOWS//