

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 June 2025

DOCKET NUMBER: AR20240002074

APPLICANT REQUESTS: entitlement to Basic Allowance Housing (BAH) from 1 November 2023 – 23 January 2024.

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum – Subject: Request BAH Waiver Based on Retirement, 26 September 2023 – request for BAH entitlement at the Colorado Springs, CO rate due to the relocation of his dependents; projected retirement on 30 September 2024; submitted retirement request on 19 April 2023
- Contract to Buy and Sell Real Estate, 23 September 2023 – reflective of the applicant's contract to purchase a home in Colorado Springs, CO
- Leave and Earnings Statement, 30 September 2023 – reflective of the applicant's pay and entitlements for the month of September 2023; BAH based on the 66027 zip code
- Memorandum – Subject: Request for Voluntary Retirement, 27 April 2023 – reflective of the recommended approval of the applicant's request for retirement by the Retirement Services Officer, U.S. Army Garrison Fort Leavenworth
- Memorandum – Subject: Request for Voluntary Retirement, 10 April 2023 – reflective of the applicant's submitted request for voluntary retirement effective 30 September 2024; Fort Leavenworth, KS authorized place of retirement
- Memorandum – Subject: Victim of Sexual Assault Statement for Voluntary Retirement, 10 April 2023 – reflective of the applicant's denial of being a victim of sexual assault within the past 24 months
- Memorandum – Subject: Request for Voluntary Retirement, 17 April 2023 – reflective of the recommended approval of the applicant's submitted request for retirement by the Commander, Mission Command Training Program
- Memorandum – Subject: Active-Duty Service Obligation, 7 April 2023 – reflective of the applicant's completion of any existing Active-Duty Service Obligation as verified by the education counselor
- Memorandum – Subject: Delegation of Approval and Signature Authority, 20 July 2021 – delegated authority to sign for specific administrative actions
- Service Computation for Retirement – reflective of the applicant's completion of 20 years, 3 months, and 12 days of active service

- Personnel Action Request – reflective of the applicants submitted request for voluntary retirement in April 2023
- Orders Number 024-0003, 24 January 2024 – reflective of the applicant being reassigned for separation processing on 30 September 2024; retirement/separation date of 30 September 2024
- Memorandum – Subject: BAH Secretarial Waiver, 29 January 2024 – reflective of the approval of the applicant's request to receive BAH based upon his approved retirement location (Colorado Springs, CO 80906) effective 24 January 2024
- All Army Activity (ALARACT) Message Number 011/2022 (Implementation Guidance for BAH, Overseas Housing Allowance (OHA), and Cost of Living Allowance (COLA) Secretarial Waiver Program – reflective of the authorization to alternative BAH when dependents and the service member are required to reside at different locations due to the assignment circumstances i.e. retirement, separation, permanent change of station
 - Soldiers must submit request electronically
 - waiver effective date is established based on the date the request is received by Headquarters Department of the Army (HQDA)
- Email communication – reflective of the applicant's approved request for retirement on 30 September 2024 (approved in December 2023); Officer retirement orders are typically approved approximately 6-months from requested retirement date
- Email communication – (January 2024) reflective of the applicant noting that the delay in processing his retirement request and waiver has caused a loss of approximately \$800.00 in BAH entitlements

FACTS:

1. The applicant states he:

- requested retirement orders in April 2023; projected retirement date of 30 September 2024
- requested a BAH waiver in September 2023
- approval of retirement and BAH waiver in January 2024
- relocated his family in August 2024 to live with relatives in order to start school
- in September 2023, contracted to purchase a home

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

- On 15 May 2004 – he was appointed a commission and subsequently ordered to active duty on 19 June 2004
- On 29 April 2015 – he was legally married in the State of Colorado

- On 17 February 2022 (Orders Number 048-100) – he was reassigned to Fort Leavenworth, KS, effective 29 July 2022, with two dependents
- On 24 January 2024 (Orders Number 024-0003) – he was reassigned pending separation processing on 30 September 2024
- On 6 February 2024 – he applied for BAH based on the 80906 (Colorado) zip code and his commander endorsed the form
- On 30 September 2024 – he was retired from military service

3. On 24 September 2024, the Deputy Chief of Staff, G-1, Financial Management Specialist, provided an advisory opinion recommending disapproval of the applicant's request noting that he did not act within the authority provided in Department of Defense travel policy and moved his dependents before a retirement order was issued. The applicant's request for a Secretarial waiver was submitted prior to his receipt of retirement orders authorizing movement of his family to Colorado Springs, CO. Since the date he moved his dependents and the date that he purchased his home was prior to receiving orders, it is their opinion that administrative relief is not warranted.

4. On 29 October 2024, the applicant was provided a copy of the advisory opinion and afforded 30 days to provide comments. He did not respond.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The Board determined the date the applicant moved his dependents and the date that he purchased his home were prior to receiving orders, which is not within the travel policy authority.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:XX	:XX	:XX	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

<p style="font-size: 2em; margin: 0;">X //signed//</p>
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CHAIRPERSON

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 Volume 7A, Chapter 26 (Basic Allowance for Housing (BAH)) provides that a service member on active duty entitled to basic pay is authorized a housing allowance based on his or her grade, rank, location, and whether he or she has any dependents. A Service member's old Permanent Duty Station (PDS) is the PDS for BAH purposes from the day the Service member departs the old PDS through the separation or retirement date. For a service member in transit: if the Service member has a Secretarial waiver to pay BAH based on the previous PDS, or BAH based on the dependent's location, then continue that rate until the Service member arrives at the new PDS. The effective date of the BAH change is the date specified by the authorizing or approving document.

2. Title 10, USC, section 1552 states the Secretary of a military department may correct any military record of the Secretary's department when the Secretary considers it necessary to correct an error or remove an injustice. The Secretary concerned may pay, from applicable current appropriations, a claim for the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, if, as a result of correcting a record under this section, the amount is found to be due the claimant on account of his or another's service in the Army.

//NOTHING FOLLOWS//