

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 December 2024

DOCKET NUMBER: AR20240003134

APPLICANT REQUESTS:

- approval of an Exception to Policy (ETP) for Basic Allowance for Housing (BAH) waiver
- entitlement to backpay and allowances

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

- DD Form 149 (Application for Correction of Military Record)
- Chief, Personnel Reassignments Branch email notification
- Screenshot of training and Advanced Individual Training courses
- Orders Number 107-2057, 17 April 2019
- DA Form 3286-79 (Statements for Reenlistment), 27 October 2021
- DD Form 689 (Individual Sick Slip), 1 December 2021
- Memorandua for Applicant – Subject: Transfer Credit Evaluation for the Occupational Therapy Assistant Program, 16 and 27 December 2021
- Screenshot of TDY (Temporary Duty) School in Conjunction with Permanent Change of Station (PCS) Option Statements, 4 January 2022
- Screenshot of text messages, 30 December 2021 and 12 January 2022
- Orders Number 014-184, 14 January 2022
- DA Form 31 (Request and Authority for Leave), 18 January 2022, 14 July 2022, and 17 November 2022
- [REDACTED] Lease Agreement, 17 February 2022
- Email communication, 4 - 6 June 2022
- DD Form 1610 (Request and Authorization for TDY Travel of DOD Personnel), 21 January 2022
- DA Form 647-1 (Personnel Register), 5 August 2022
- Email communication, 16 - 23 November 2022
- DA Form 1059 (Service School Academic Evaluation Report), 7 December 2022
- DD Form 1351-2 (Travel Voucher or Subvoucher), 25 August 2022 and 15 December 2022
- Per Diem and Reimbursable Expenses, 15 December 2022

- DA Forms 5434 (Sponsorship Program Counseling and Information Sheet), 28 December 2022
- DD Form 1610, 15 March 2023
- DD Form 1561 (Statement to Substantiate Payment of Family Separation Allowance (FSA)), 21 March 2023
- DA Form 1559 (Inspector General (IG) Action Request), 5 April 2023
- Leave and Earnings Statements (LES), February 2022 - April 2023
- Email communication, 3 May - 2 June 2023
- DA Form 4187 (Personnel Action), 5 July 2023
- Email communication, 28 December 2022 - 4 December 2023

FACTS:

1. The applicant states:

a. He was denied the opportunity to get a BAH waiver to move his family from Fort Bragg, NC to Joint Base Lewis-McChord (JBLM), WA starting when he reenlisted in November 2021. He then moved his family across the country to Washington while attending Advanced Individual Training (AIT) at Fort Sam Houston, TX starting on 20 February 2022. From then he went to Fort Gordon, GA on 10 August 2022. The whole 10 months that he was in AIT, his wife was paying rent in the amount of \$2,157.00, all while they were getting BAH for Fort Bragg of \$1,400.00 dollars. This was making it extremely difficult to pay for rent for 10 months while he was in AIT. All of this could have been avoided by sending him with a BAH waiver memo.

b. This was an injustice because he brought this concern up first with his unit and reassignments branch, who did not even mention this, and his leaders, including his career counselor and platoon sergeant. This continued to occur in AIT in Fort Sam Houston when he turned in his DD Form 1610 and orders to the finance office on 21 February 2022. They also did not mention anything about a BAH waiver but attempted to get his BAH switched but with no success they just told him your gaining unit will fix it.

c. He then went to Fort Gordon in GA for his second phase of AIT hoping that once again he would get his BAH situation fixed. He sent everything up to his leaders on 16 November 2022. To no surprise, it was not fixed but they did "turn in" a form to start BAH for Washington but again with no success. Then he arrived at JBLM on 13 December 2022. He was in processing finance and his unit, and they kept kicking back his Family Separation Allowance (FSA) and BAH paperwork due to not having a DD Form 1610 for his phase 2 of AIT. So, he had to reach out to his losing installation to get that because they did not provide him with this documentation. Then, he finally resolved his FSA situation, but AIT did not resolve the BAH situation.

d. He received BAH for JBLM once he arrived, but the backpay from the AIT issue was not going through. After this concern, he brought all this up to the IG, and they did their investigation, but they told him, he would need to take this up with the individual who wrote Army Regulation 637-1 (Army Compensation and Entitlements Policy) for an exception to regulation. He reached out to Mr. [REDACTED] in the Pentagon on 3 May 2023, who then contacted Mrs. [REDACTED] a U.S. Army Human Resources Command action officer. Mrs. [REDACTED] then reached out to him regarding information for a waiver packet on 2 June 2023. He built up the packet and submitted it to her, and the following documents attached will explain his whole situation.

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

a. On 5 November 2018, he enlisted in the Regular Army. The applicant completed training requirements and was awarded his Military Occupational Specialty (MOS).

b. On 17 April 2019, the U.S. Army Maneuver Support Center of Excellence published Orders Number 107-2057, which assigned him to Fort Bragg, NC, with a report date of 22 May 2019. The report date was amended to 5 June 2019.

c. On 27 October 2021, he reenlisted for 5 years. In connection with his reenlistment, DA Form 4789 (Statement of Entitlement to Retention Incentive) shows the applicant would be receiving a retention incentive in return for his continued service in MOS 68L (Occupational Therapy Specialist).

d. On 14 January 2022, Headquarters, U.S. Army Garrison, Fort Bragg, NC, published Orders Number 014-184, which assigned the applicant to JBLM, WA, with a report date no later than 20 February 2023. The additional instructions state, in pertinent part:

(1) If this was the applicant's first Permanent Change of Station (PCS) move, he must attend a briefing prior to arranging shipment/storage of any property.

(2) He had dependents and was required to report to the Family Housing/Housing Referral Office serving his new duty station before making housing arrangements for renting, leasing, or purchasing any off-post housing. Information was at his fingertips as he planned his relocation. Access website [REDACTED] for all his need to know about his next installation and surrounding communities. This website contained links to individual installation "ACSIM" (housing and relocation) websites and other websites regarding relocation.

(3) Use of Government commercial travel office is mandatory when purchasing tickets for official travel. If tickets are purchased from a commercial travel office not under government contract, reimbursement will not be authorized.

(4) Visit Military OneSource at [REDACTED] for invaluable information concerning PCS moves, spousal employment, and education resources.

(5) He was scheduled and must successfully complete course 3-68-C10, Introduction to Basic Army Medicine, class 005 with a start date of 21 February 2022 prior to attending ending course 303-68L1O phase 1 and 2. He was scheduled to attend the following course prior to reporting to new duty station: Occupational Therapy Specialist, located at Fort Sam Houston, TX to attend Occupational Therapy Specialist, fiscal year 2022, school code 083, course number 303-68L1O, phase 1, class 010, quota source WF, reporting date 27 March 2022, ending date 4 August 2022. Applicant was additionally scheduled to attend the following course prior to reporting to new duty station: Occupational Therapy Specialist, located at Fort Gordon, GA 30905, to attend Occupational Therapy Specialist, fiscal year 2022, school code 831, course number 303-68L1O, phase 2, class 010, quota source WF, reporting date 10 August 2022, ending date 6 December 2022.

(6) The applicant elected to clear current permanent station prior to departure for TDY station; and have dependent(s), at personal expense, accompany him to TDY station or travel to some other location. The applicant may not be given a certificate of non-availability of Government quarters at the TDY station if inadequate Government housing is available. The applicant's entitlement for dependent transportation will be based on the most direct routing between the old permanent station and the new permanent station.

e. On 7 December 2022, the applicant achieved course standards and completed the Occupational Therapy Specialist course for MOS 68L. DA Form 1059 shows the duration of the course was from 28 March to 7 December 2022.

f. The applicant is currently serving on active duty.

3. In support of his request the applicant provides:

a. Screenshot of AIT and training course report and end dates.

b. DA Form 3286-79 dated 27 October 2021, which recorded the applicant's reenlistment in the Army and shows his reenlistment option for MOS 68L.

c. DD Form 689 dated 1 December 2021, showing he was placed on 24 hours quarters.

d. Memorandums for Applicant – Subject: Transfer Credit Evaluation for the Occupational Therapy Assistant Program, 16 and 27 December 2021, which states, he met the prerequisite course requirements of the program and acceptance of the

College. He was informed to work with his recruitment/retention Noncommissioned Officer (NCO) for orders to attend the program.

e. Screenshot of TDY School in Conjunction with PCS Option Statements (AR 600-8-11, Reassignment), dated 4 January 2022, which shows the applicant elected to clear current permanent station prior to departure for TDY station; and have dependent(s), at personal expense, accompany him to TDY station or travel to some other location. The applicant may not be given a certificate of non-availability of Government quarters at the TDY station if inadequate Government housing was available. He also asked who could sign as a witness and was informed to ask the S-1.

f. Screenshot of text messages dated 30 December 2021, and 12 January 2022, between the applicant and Staff Sergeant [REDACTED] discussing the first sergeant wanting a copy of his orders and engaging the S-1.

g. DA Form 31 (Request and Authority for Leave) dated 18 January 2022, which shows he was charged for PCS leave from 31 January to 17 February 2022.

h. [REDACTED] Lease Agreement dated 17 February 2022, which shows the applicant and his dependents listed as the occupants of a home in [REDACTED] starting February 2022 and ending February 2023.

i. Email communication during the period of 4 through 6 June 2022, between him and Military Pay Technician, Army Military Pay Office, Fort Sam Houston, discussing his TDY effective date, FSA, and backpay for BAH. The applicant outlined the dates he cleared Fort Bragg and signed in at Fort Sam Houston. The Military Pay Technician informed him that BAH is based on old Permanent Duty Station until he signs in to his new duty station, including TDY enroute. So, unless the applicant signed in to JBLM, then his BAH is based on Fort Bragg, NC. Since the applicant moved his dependents at his own expense per orders, that does not entitle him to BAH at JBLM unless he signed in, then the Army Pay Office would need the DA Form 31, or the applicant got a "waiver from Army G1". During the transit period including TDY enroute BAH is based on last Permanent Duty Station.

j. DD Form 1610 dated 21 January 2022, which shows the applicant's itinerary from Fayetteville, NC to Fort Sam Houston, TX and return to Fort Gordon, GA. His proceed date was shown as 17 February 2022. The applicant reclassified to 68L and was TDY for training enroute.

k. DA Form 31 dated 14 July 2022, which shows he was charged for PCS leave from 5 to 7 August 2022.

l. DA Form 31 dated 17 November 2022, which shows he was charged PCS leave from 6 to 13 December 2022. He was traveling by privately own vehicle from Fort Gordon to JBLM and was authorized 8 travel days.

m. Email communication during the period of 16 through 23 November 2022, between the applicant and NCOIC Occupational Therapy Services, discussing his BAH situation and the Financial Management Regulation, Volume 7A, Chapter 26 regulatory guidance. The applicant asked for assistance and was informed he would have to request an ETP through Fort Bragg finance office. The finance office said because the applicant's orders show he elected to move at own expense, he is receiving BAH for his old assignment at Fort Bragg, NC.

o. DD Forms 1351-2 dated 25 August 2022 and 15 December 2022, showing he submitted travel vouchers for the period of 14 February to 7 August 2022 ([REDACTED])
[REDACTED]
[REDACTED]

p. Per Diem and Reimbursable Expenses dated 15 December 2022.

q. DA Forms 5434 dated 28 December 2022, showing he was counseled about the sponsorship program and entitlements, and he provide contact information to the gaining battalion.

r. DD Form 1610 dated 15 March 2023, showing he was authorized TDY travel for training for approximately 122 days from Fort Sam Houston to Fort Gordon and return to Fort Lewis. The proceed date is shown as 10 August 2022.

s. DD Form 1561 dated 21 March 2023, which shows he requested FSA-T (Temporary).

t. DA Form 1559 dated 5 April 2023, wherein, he requested assistance from the IG office with a BAH waiver, backpay, and holding Fort Bragg accountable for not preparing him and his family for his first PCS move. The applicant reiterated his contentions described in his statement above. He also provided details and timeline of events that occurred during his PCS and TDY enroute from Fort Bragg to JBLM.

u. LESs for the period of February 2022 through April 2023, which show his pay, entitlements, and allowances and BAH for zip code [REDACTED] (Fort Bragg February through March) and zip code [REDACTED]

v. Email communication during the period of 3 May through 2 June 2023, between the applicant and G-1 official discussing an ETP for BAH waiver and AR 637-1, Chapter

7-20. The applicant requested assistance and was informed the G-1 office had been in contact with the Action Officer at HRC and should be reaching out to him.

w. DA Form 4187 dated 5 July 2023, which shows he requested a BAH waiver to receive advance travel of dependent.

x. Email communication from 28 December 2022 through 4 December 2023, between the applicant and HRC officials discussing him submitting a BAH Waiver package, required documents, and his best course of action would be to submit request to the Army Board for Correction of Military Records

4. On 25 October 2024, the Deputy Chief of Staff G-1, Financial Management Specialist Military Pay Branch provided an advisory opinion for this case and recommended the Board disapprove the applicant's request for administrative relief. The advisory official stated, the applicant does not provide proof he inquired about or submitted a request for a Secretarial BAH waiver to be paid BAH based on his family's location at [REDACTED] while he was TDY to Fort Sam Houston and Fort Gordon enroute to his duty station at Joint Base Lewis McChord. The applicant was paid the correct housing allowance based on his duty station and dependent status.

5. On 29 October 2024, the applicant was provided a copy of the G-1 advisory opinion to allow for comments or rebuttal. 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 Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive review based on law, policy, and regulation. Upon review of the applicant's available military records and the Deputy Chief of Staff G-1 advising official finding the applicant did not provide proof of inquiry for his Secretarial waiver for BAH based on the location in [REDACTED] Based on this the Board determined relief was not warranted.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	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.

3/26/2025

X

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. Army Regulation (AR) 15–185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the Army Board for Correction of Military Records (ABCMR). In pertinent part, it states that the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. The ABCMR will decide cases based on the evidence of record. It is not an investigative agency.

2. AR 600-8-11 (Reassignment) publishes reassignment processing policies. Paragraph 4-2 (Headquarters, Department of the Army-directed temporary duty for schooling in conjunction with permanent change of station) states, Soldiers who are authorized movement of Family members at Government expense and are directed to TDY schooling with PCS assignment will have the following options for locating their Family members while they perform their TDY:

a. Elect that dependent(s) currently residing in Government quarters be permitted to remain in Government quarters until completion of TDY period.

b. Elect to move dependent(s) from present CONUS and/or overseas station to new CONUS duty station prior to reporting to the TDY station.

c. Elect to return to present duty station upon completion of TDY to move dependent(s), who currently live on the local economy (CONUS), to the new duty station.

d. Elect to clear current permanent station prior to departure for TDY station; and have dependent(s), at personal expense, accompany Soldier to TDY station or travel to some other location. Soldier may not be given a certificate of nonavailability of Government quarters at the TDY station if adequate Government housing is available. Soldier's entitlement for dependent transportation will be based on the most direct routing between the old permanent station and the new permanent station (applies CONUS to CONUS, CONUS to overseas, and overseas to CONUS PCS movements). Soldiers who are being reassigned overseas must be medically and dentally qualified for assignment.

3. AR 637-1 (Army Compensation and Entitlements Policy) provides Department of the Army policies for entitlements and collections of pay and allowances for active duty Soldiers. It is used in conjunction with the Department of Defense (DoD) Financial Management Regulation (FMR), Volume 7A. Chapter 7 (Housing Allowances), Section I (Basic Allowance for Housing (BAH)).

a. Paragraph 7-1 states, except as otherwise provided by Title 37, U.S. Code, section 403, BAH was created to provide a Soldier with a monthly allowance for housing. Conditions of entitlements and rates payable for BAH are contained in DoD FMR, Volume 7A. Paragraph 7-2a provides that BAH is a housing allowance based on the market price of rental housing in the civilian market. BAH distinguishes between “with dependents” and “without dependents,” not the number of dependents. BAH compensation is based on duty station and is fixed, regardless of where the Soldier may choose to live.

b. Paragraph 7-2b states, BAH is payable to Soldiers on active duty and will vary according to grade in which serving or appointed for basic pay purposes, dependency status, and the Permanent Duty Station (PDS) assigned. BAH enables Soldiers to live off-base and is intended to pay only a portion of housing costs. A Soldier’s actual expense may be higher or lower based on their choice of housing and where they live. DA Form 5960 (Basic Allowance for Housing (BAH) Authorization and Dependency Declaration) is used to start, stop, or change BAH and/or variable housing allowance. DA Form 5960 is not required when Soldiers in-process at a new duty station; Permanent Change of Station (PCS) orders can be used.

c. Paragraph 7-20 (Secretarial waiver process) states, in pertinent part, the following circumstances qualify for consideration of a Secretarial waiver:

(1) Professional Military Education (PME) or training. Soldiers may request a waiver while attending a PME or training course. However, PME or training courses may not exceed 12 months in length. Waivers are authorized for BAH locations only. Soldiers must be PCSing from one duty station in the United States to a PME or training course located in the United States, including Alaska and Hawaii. The PCS order must state the course title, start date, and end date. This includes all Reserve, Army National Guard, and Active Guard Reserve requesting BAH waivers. Other active duty Soldiers apply for BAH waivers by submitting their requests to the U.S. Army Human Resources Command, Fort Knox, KY.

(2) Advance travel of dependents. Soldiers who have dependents and receive PCS, separation, or retirement orders and desire to relocate them from the previous duty station or designated place to the PCS, separation, or retirement location in advance of the Soldier reporting to the next duty station or arriving at the separation or retirement location may be considered. The PCS, separation, or retirement location must be stated in the order.

d. Paragraph 7-20b states, Soldiers must agree to limited PCS entitlements to include: shipment of authorized unaccompanied baggage weight allowance (O-1 through O-3 = 600 pounds, O-4 through O-6 = 800 pounds, O-7 through O-10 = 1,000 pounds, warrant = 600 pounds, and enlisted = 500 pounds) to include professional

books, papers, and equipment; limited dislocation allowance (DLA), temporary lodging expense (TLE), and per diem at the without dependent rate, if authorized; and shipment of privately-owned vehicle at government expense (Hawaii and Alaska only).

e. Paragraph 7-20c states, Soldiers do not lose their PCS entitlements under the waiver program. However, waivers approved under this guidance become void when Soldier executes any portion of PCS entitlements either before or during the waiver period. The Soldier's housing allowance will then be based on the PDS.

f. An approved waiver does not entitle Soldiers to any additional allowances, such as Family Separation Allowance (FSA) or Family Separation Housing (FSH). Soldiers must be eligible to receive FSA and FSH based on the circumstances of the assignment.

g. To request an exception, Soldiers may submit requests electronically to usarmy.pentagon.hqda-dcs-g1.mbx.dape-prc@mail.mil. Address mailed requests to Office of the Deputy Chief of Staff (DCS), G-1 (DAPE-PRC), 300 Army Pentagon, Washington, DC 20310-0300.

h. The following documents must be included in the emailed waiver request packet in PDF format: (1) A signed memorandum from the Soldier requesting the waiver with a stated reason. (2) PCS order assigning the Soldier to the new PDS. Requests for orders are not acceptable. (3) PCS order assigning the Soldier to the old PDS. Requests for orders are not acceptable. (4) Supporting documentation based on the category to be considered in accordance with paragraphs 7-20a(1) through 7-20a(10). (5) Current Leave and Earnings Statement. (6) Other supporting documentation as required by DCS, G-1.

i. Enlisted Soldiers below the grade of E-7 or officers below the grade of O-4 must have their requests endorsed with a signature by the first field grade officer in their chain of command.

j. Requests must include a contact phone number, fax number, email address, and mailing address when sending correspondence. Notification of approval/disapproval will be sent via electronic mail to the Soldier's global email address.

k. Soldiers must provide a copy of their approved waiver to their servicing finance office.

l. Waivers approved under this authority are effective the date requests are received at DCS, G-1 or the date the waiver is approved. Waivers will expire as specified in the approval memo. Waivers may be extended on a case-by-case basis based on the merits of the request.

4. Financial Management Regulation Volume 7A, Chapter 26 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 10.2.2. (Location Rate) states, 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 rather than the Service member's current PDS (commonly referred to as BAH waiver) is through the Service Secretary or through the Secretarial Process.

b. Paragraph 10.7.1. (Housing Allowance Based on Dependent's Location or Old PDS) states, unless otherwise authorized or approved, a Service member's housing allowance is based on the PDS. If authorized or approved through the Secretarial Process, a Service member may be authorized a housing allowance based on the location at which a dependent maintains a permanent residence or the old PDS. Situations that are routinely authorized or approved at a lower level than the Service Secretary are listed in subparagraph 10.2.2. An example of advance travel is the member's family travels ahead to get settled before school starts. An example of delayed travel is the family remains at the old PDS until the school year ends.

c. Paragraph 10.7.2. (Secretarial Determinations) states, the Secretary concerned may determine that other circumstances require a dependent to reside separately from the Service member and may authorize or approve a housing allowance payment based on either the dependent's location or the old PDS. If the Secretary concerned determined that an additional reason for a BAH or OHA waiver is acceptable, the Secretarial Process may then be used to authorize or approve individual cases based on that determination.

//NOTHING FOLLOWS//