

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 September 2025

DOCKET NUMBER: AR20240007271

APPLICANT REQUESTS: remission of debt.

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum – Subject: Application for Remission or Cancellation of Indebtedness, 17 November 2023 – reflective of the applicant's commander's recommendation that his debt be forgiven, notwithstanding the difference in his Basic Allowance for Housing (BAH) rate of with and without dependents from August – November 2023
 - His leadership failed to complete the necessary administrative actions following the passing of the applicant's wife
 - Processing of the debt would be unjust pursuant to Army Regulation 600-4 (Remission or Cancellation of Debt), paragraph 14 and 15
- Memorandum – Subject: Application for Remission or Cancellation of Indebtedness, 31 October 2023 – reflective of the commander's recommendation that the applicant be required to pay back the difference in BAH rates of with and without dependents from August – November 2023
- Memorandum – Subject: Appointment for Rule for Courts Martial 303 Inquiry Officer, 13 October 2023 – reflective of First Lieutenant J_R_ being appointed as an inquiry officer to look into the circumstances surrounding an anonymous complaint that the applicant was receiving BAH at the with dependent rate when not authorized
- DA Form 3508 (Application for Remission or Cancellation of Indebtedness), 1 November 2023 – reflective of the applicant's submitted request for debt remission
- Memorandum – Subject: Investigating Officer's Findings and Recommendations Regarding the Anonymous Complaint that the Applicant was Receiving BAH at the with dependent rate when not authorized (and supporting documents), 1 November 2023 – reflective of the following:

- the applicant was authorized BAH with dependents 2018 based on being married
- entitlements ended upon the passing of his spouse; he took the necessary actions and informed his leadership – assumed no further actions were required

FACTS:

1. The applicant states his submitted request for debt remission for the amount of \$45,347.70 was partially approved for \$34,010.78. He contests that his leadership failed him following the passing of his spouse by not processing the appropriate BAH paperwork.

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

- On 2 August 2016 – he enlisted in the Regular Army
- On 3 July 2018 – the applicant was legally married to Ms. T_H_
- On 27 September 2018 – the applicant requested entitlement to BAH at the with dependent rate
- On 21 November 2018 – the applicant reenlisted for 4 years
- On 17 December 2021 – the applicant's spouse passed away
- On 3 May 2023 – the applicant reenlisted for 6 years
- On 10 October 2023 – the applicant requested entitlement to BAH at the without dependent rate; the applicant notes that he is widowed

3. On 7 March 2025, the Department of the Army, Deputy Chief of Staff, G-1, provided an advisory opinion recommending partial approval of the applicant's request effective 18 December 2021 in the amount of \$22,673.85 based on his failure to follow up with the first sergeant and commander. The applicant contacted his first sergeant and his commander at the time of his wife's death on 17 December 2021. He was under the impression everything was being taken care of to adjust his finances. However, the applicant nor his first sergeant show proof of taking any action to follow up to validate the BAH was adjusted to the without dependent rate. The applicant should have reviewed his Leave and Earning statements, specifically the BAH entitlement and followed up with his finance office or his first sergeant.

4. On 28 March 2025, the applicant was provided with a copy of the advisory opinion and provided an opportunity to respond. 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 partial relief was 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 petition, available military records, letter of partial recommendation from the Deputy Chief of Staff, G-1, the Board concurred with the G-1 memorandum recommending partial approval of the applicant's request effective 18 December 2021 in the amount of \$22,673.85 based on his failure to follow up with the first sergeant and commander. The Board noted that the applicant contacted his first sergeant and his commander at the time of his wife's death on 17 December 2021. However, the applicant nor his first sergeant show proof of taking any action to follow up to validate the BAH was adjusted to the without dependent rate. The applicant should have reviewed his Leave and Earning statements, specifically the BAH entitlement and followed up with his finance office or his first sergeant. Therefore, the Board determined that partial relief was warranted in the amount of \$22,673.85.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by notifying DFAS that the applicant's debt for BAH in amount of \$22,673.85 of the remaining debt has been relieved and that he is entitled to repayment of the collected debt.
2. The Board further determined that the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to any additional relief in excess of the above.

X //SIGNED//

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 Volume 7A, Chapter 26: Housing Allowances, Section 3.2.3.2 (Change in Dependent Status) provides that a Service member must report any change in dependency status, including, but not limited to: death, divorce, legal separation, change in custody arrangements, or any change in support obligations for either a primary or secondary dependent. If a Service member fails to report a change in dependency status that makes them no longer entitled to a with-dependent housing allowance, the member will be indebted for any amount of with-dependent housing allowance received after the dependency relationship ended or in the case of failure to support, from the date in which the Service member cannot show evidence of required support.
2. AR 600-4 (Remission or Cancellation of Indebtedness) in accordance with the authority of Title 10 USC, section 4837, the Secretary of the Army may remit or cancel a Soldier's debt to the U.S. Army if such action is in the best interests of the United States. Indebtedness to the U.S. Army that may not be canceled under Title 10 USC, section 4837 when the debt is incurred while not on active duty or in an active status.
3. Army Regulation (AR) 15-185 (ABCMR) paragraph 2-9 states 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.

//NOTHING FOLLOWS//