

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 March 2025

DOCKET NUMBER: AR20240007396

APPLICANT REQUESTS:

- Exception to Policy (ETP) to allow the backdating of an "Advance Travel of Dependent" waiver to align with the departure of his dependents for their Outside the Continental United States (OCONUS) duty location
- Personal appearance before the Board via video/telephone

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

- DD Form 149 (Application for Correction of Military Record)
- All Army Activities (ALARACT) Message Number 011/2022, 17 February 2022
- DA Form 4187 (Personnel Action), 16 January 2024
- 21st Finance Support Center Memorandum for Record (MFR) - Subject: Administrative Correction Recommendation - [Applicant], 29 April 2024
- United States Garrison Rheinland-Pfalz MFR - Subject: Administrative Correction Request - [Applicant], 7 May 2024
- United States Garrison Rheinland-Pfalz MFR - Subject: Administrative Correction Request - [Applicant], 7 May 2024
- Order Number 0008662534.00, 30 June 2024
- Order Number 0009301632.00, 26 August 2024
- DA Form 5016 (Retirement Accounting Statement), 15 November 2024

FACTS:

1. The applicant states he requests an ETP to ALARACT Message Number 011/2022 which would allow the backdating of an "Advance Travel of Dependent" waiver to align with the departure of his dependents from their OCONUS duty location. The submission of his waiver packet to the U.S. Army Human Resources Command (HRC) was delayed due to multiple administrative errors caused by inexperienced unit S1 and finance office personnel. These delays were not caused by him and subsequent financial benefits (CONUS Basic Allowance for Housing (BAH)) should not be withheld from him due to administrative shortcomings outside of his control.

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

- a. He enlisted in the Regular Army on 10 July 2018.
- b. His record contains an Enlisted Record Brief dated 28 November 2022, which shows he was assigned to his unit in Germany on or about 5 February 2021.
- c. On 16 May 2023, the Installation Management Command – Europe, Baumholder Transition Center published Orders Number 136-0002, which assigned the applicant to the Baumholder Transition Center, Germany, with a date of release from active duty on 9 March 2024, and assigned him to his U.S. Army Reserve (USAR) unit in Cape Coral, FL 33909. The additional instructions state concurrent travel of his spouse (M_ A_ S_) was authorized. The orders also list his home of record as Port Charlotte, FL.
- d. On 7 July 2023, DA Form 5960 (BAH Authorization and Dependency Declaration) shows the applicant recertified his BAH and dependency declaration and indicated:
 - BAH Type was "with dependents"
 - His marital status was "single"
 - Spouse's name was listed as M_ S_
 - Spouse's physical address was in Baumholder, Germany
- e. On 10 January 2024, the applicant enlisted in the USAR for a period of 3 years.
- f. On 9 March 2024, he was released from active duty and was transferred to his USAR unit in Cape Coral, FL.
- g. On 30 June 2024, the Department of the Army published Order Number 0008662534.00, which promoted the applicant to the rank/grade of staff sergeant/E-6, effective 1 July 2024.
- h. On 26 August 2024, the Department of the Army published Order Number 0009301632.00, which assigned the applicant to his USAR unit in Cape Coral, FL, for annual training, effective 7 August 2024.

3. In support of his petition to the Board, the applicant provides:

- a. DA Form 4187 dated 16 January 2024, which shows the applicant submitted a request for ETP BAH for his dependent spouse, effective 1 August 2023. The reason was due to his spouse's pregnancy being in the third trimester during his transition out of the Army (January 2024) and her medical provider's recommendation not to fly during this period. The Orders to "USAG-RP" and flight itinerary were listed as enclosures; and the request was approved on 19 January 2024.

b. 21st Finance Support Center MFR - Subject: Administrative Correction Recommendation - [Applicant], dated 29 April 2024, wherein, the Deputy Director recommended the ABCMR grant the applicant a pay and allowance administrative correction to allow the backdating for an Advance Travel of Dependents waiver, effective 15 September 2023.

c. United States Garrison Rheinland-Pfalz MFR - Subject: Administrative Correction Request - [Applicant], dated 7 May 2024, wherein, the Garrison Commander, recommended the ABCMR grant the applicant a pay and allowance administrative correction to allow the backdating for an Advance Travel of Dependents waiver, effective 15 September 2023.

d. United States Garrison Rheinland-Pfalz, Headquarters and Headquarters Company MFR - Subject: Administrative Correction Request - [Applicant], dated 7 May 2024, wherein, the commander, recommended the ABCMR grant the applicant a pay and allowance administrative correction to allow the backdating for an Advance Travel of Dependents waiver, effective 15 September 2023. The waiver was significantly delayed due to untimely processing on behalf of the local finance office as a result of improper guidance and submission protocols from his organization.

e. DA Form 5016 dated 15 November 2024, which shows his detailed listing of retirement points earned in the previous completed anniversary years.

4. On 19 February 2025, 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 application for administrative relief. The G-1 advisory official states:

a. The applicant did not provide the necessary documentation to support his request for administrative relief. Specifically, he did not submit the flight itinerary for his spouse, which is required to validate the dates she traveled to their home. This information is crucial in determining the eligibility for the BAH waiver. Additionally, the applicant did not provide documents to verify the rental or purchase of a home. These documents are essential to establish the financial obligations and residence status, which are key factors in the consideration for the BAH waiver. Without this supporting documentation, it is not possible to thoroughly evaluate the request.

b. The Army Review Board made multiple attempts to contact the applicant for additional information and documentation via email. Emails were sent to both his personal email address and his military email address. However, both email attempts were unsuccessful, as the emails were returned as rejected. Due to these communication failures, we were unable to gather the necessary information from the applicant to make a well-informed decision regarding his BAH waiver request. The lack

of response and documentation leaves us unable to verify the validity of his claims or support his request for administrative relief. As a result, we cannot provide a recommendation for the approval of the BAH waiver.

5. On 20 February 2025, the applicant was provided with a copy of the G-1 advisory opinion to allow for comments or rebuttal. To date, he has not responded.

6. On 5 March 2025, the Deputy Chief of Staff G-1, Financial Management Specialist Military Pay Branch provided an additional advisory opinion and recommended the Board approve the applicant's application for administrative relief, effective 15 September 2023. The G-1 advisory official states:

a. The G-1 office recommends the Board approve the applicant's application for administrative relief effective 15 September 2023. The applicant submitted his waiver package for the request of an exception to policy to fly his spouse home 25 July 2023 due to her pregnancy, however, he did not purchase a home until 15 September 2023.

b. The applicant submitted his request for a waiver in January 2023. Due to improper guidance and inefficient communication from the S1 and Finance office, the request was not processed timely. His approval was processed after he departed active Army which caused the inability for HRC to backdate the BAH due.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records and the Deputy Chief of Staff, G-1 -Financial Management advisory opinion, the Board concurred with the advising official recommendation for approval finding applicant submitted his waiver package for the request of an exception to policy to fly his spouse home 25 July 2023 due to her pregnancy, however, he did not purchase a home until 15 September 2023. Also noting due to improper guidance and inefficient communication from the S1 and Finance office, the request was not processed timely

2. The Board determined there is sufficient evidence to support the applicant's contentions for Exception to Policy (ETP) to allow the backdating of an "Advance Travel of Dependent" waiver to align with the departure of his dependents for their OCONUS duty location. The Board agreed the applicant acted in good faith, his spouse's medical condition justified the waiver request, and the delay in processing was attributable to systemic administrative shortcomings rather than any fault of the applicant. Equity and

fairness warrant granting relief. As such, the Board granted relief for ETP and backdate the applicant's Advance Travel of Dependent waiver to 15 September 2023, thereby aligning his entitlements with the actual departure of his dependents.

3. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

XXX	XXX	XXX	GRANT FULL RELIEF
:	:	:	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 to show the applicant is authorized an Exception to Policy (ETP) to allow the backdating of an "Advance Travel of Dependent" waiver to 15 September 2023 to align with the departure of his dependents for their Outside the Continental United States (OCONUS) duty location

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. Army Regulation (AR) 637-1 (Army Compensation and Entitlements Policy) provides Department of the Army (DA) policies for entitlements and collections of pay and allowances for active-duty Soldiers. In pertinent part:

a. Paragraph 7-19 (Housing allowance location rate) states: (1) Except as otherwise provided by law, a housing allowance is based on the Soldier's Permanent Duty Station (PDS). However, a Secretarial waiver may be considered when it is determined that a Soldier's assignment to a duty station, or the circumstances of that assignment, requires a dependent to reside separately. In this case, approval of a housing allowance based on the dependent's location or old PDS. (2) The Secretarial waiver process is used to determine reasons for a Basic Allowance for Housing (BAH) or Overseas Housing Allowance (OHA) waiver. The purpose of the Secretarial waiver program is to stabilize the Soldier's dependents for a relatively short period of time when circumstances require dependents to reside separately. Moreover, the program is intended to provide temporary assistance to Soldiers and their families to ease the transition of a permanent change of station (PCS) move to the new PDS in Continental United States (CONUS) or OCONUS. (3) The waiver program applies to Active Duty Title 10 and Title 32 Soldiers authorized BAH, OHA, or Cost of Living Allowance (COLA) at the with dependent rate. Dependents must reside with the Soldier at the previous duty station prior to departing on PCS or at a government-approved designated location. (4) To be eligible for consideration of a waiver, a Soldier's dependents must reside with them prior to PCS unless the member is serving an unaccompanied tour. The dependents must continue to reside at the previous duty station or government-approved designated place. Previous duty station is defined as the location of the last duty station in which shipment of HHG at government expense was authorized. Designated place is defined as the location to which the USG authorized movement of dependents in accordance with the Joint Travel Regulations.

b. Paragraph 7-20 (Secretarial waiver process) provides that, advance travel of dependents qualifies for consideration of a Secretarial waiver. 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.

c. 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 (Pentagon). 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 LES. (6) Other supporting documentation as required by DCS, G–1.

d. Enlisted Soldiers below the grade of E–7 must have their requests endorsed with a signature by the first field grade officer in their chain of command.

2. ALARACT Message Number 011/2022 - Subject: Implementation Guidance for the Basic Allowance for Housing, Overseas Housing Allowance, and Cost of Living Allowance Secretarial Waiver Program, dated 17 February 2022.

a. Paragraph 4 states, the purpose of the waiver program is to temporarily stabilize the Soldier's dependents when circumstances require dependents to reside separately. The intent of the waiver program is to ease the transition of a PCS move to the new PDS in the CONUS or OCONUS.

b. Paragraph 5 provides that the following provisions implement the Department of Defense Financial Management Regulation requirements regarding BAH, OHA, and COLA waivers in the Army: Paragraph 5.c. (Advance Travel of Dependent) states, when the Soldier is scheduled to PCS, separate, or retire and wishes to relocate the dependent(s) to the next duty station or home of selection. The Soldier is required to maintain a residence and be responsible for rent, or own, the residence at the PCS, separation, or retirement location. A valid lease or mortgage agreement must accompany the request.

c. Paragraph 12 states, to submit a request for a waiver consideration, Soldiers must submit requests electronically in PDF to the appropriate U.S. Army Human Resources Command (HRC) email address listed in the ALARACT message.

d. Paragraph 13 states, the following documents must be included in the waiver request packet: (1) A signed memo from the Soldier requesting the waiver with a stated reason. (2) PCS orders assigning the Soldier to the new PDS. A request for orders (RFO) is not acceptable. (3) PCS orders assigning the Soldier to the old PDS, if applicable. A Request for Orders (RFO) is not acceptable. (4) Supporting documentation based on the category to be considered in accordance with paragraphs above. (5) Last Leave and Earnings Statement (LES). (6) Current lease agreement if renting, or mortgage agreement, if buying the residence. A closing disclosure is acceptable in lieu of a mortgage agreement. (7) Other supporting documentation as requested by Headquarters DA (HQDA) DCS G-1, HRC, OCAR, or NGB, as applicable.

e. Paragraph 14 states, 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.

f. Paragraph 15 states, waivers approved under this message are effective the date requests are received at HQDA DCS G-1 or the date the waiver is approved. Waivers will expire not more than 180 days from the approval date or as specified in the approval memo. Waivers and the covered relocation period may be extended on a case-by-case basis based on the merits of the request. If the Soldier's eligibility expires for any reason during the covered relocation period, that period is terminated, and the housing allowance is paid at the PDS where the Soldier is assigned at that time. If the Soldier departs the old PDS, and the persons that are the basis of the eligibility do not arrive at the new PDS within the covered relocation period, the housing allowance is paid at new PDS location rate beginning the day after the relocation period ends. Point of contact for this message is HQDA DCS G-1, Compensation and Entitlements Division.

3. AR 15-185 (Army Board for Correction of Military Records (ABCMR)) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//