

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 June 2025

DOCKET NUMBER: AR20240009804

APPLICANT REQUESTS:

- Debt remission
- A personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 2823 (Sworn Statement), 21 March 2024 – reflective of the applicant's statement regarding previously received Overseas Housing Allowance (OHA) -
  - August 2022 – he proceeded on Permanent Change Station (PCS) orders to the United Kingdom; he submitted a request for OHA; rent was paid in British Pounds (GBP) vice U.S. dollars
  - August 2023 – he PCS'd to Florida; OHA was terminated, and Basic Allowance Housing was established
  - March 2024 – he was notified of \$13,151.64 debt of which \$809.86 was related to previously received Cost of Living Allowance; he was advised the debt was valid
  - The debt was the result of his OHA being documented in the system as 120,990 GBP rather than 1,209.90 GBP (rent amount); he received the maximum amount of OHA in error as a result
  - Denies being aware of the error previously
- DA Form 3508 (Application for Remission or Cancellation of Indebtedness), reflective of the applicant's submitted request for debt remission
- Payment Coupon, reflective of the applicant being advised of payment options for his debt in the amount of \$13,151.64
- Memorandum – Subject: Notice of Indebtedness to an Officer, reflective of the applicant being advised that Finance identified an outstanding debt to the U.S. Government for overpayment of OHA in the amount of \$13,151.64; balance of \$14,542.00; 60-day suspense to respond
- Collection of Debt letter – reflective of additional information concerning the collection of the debt

- Memorandum – Subject: Application for Remission or Cancellation of Indebtedness, 4 June 2024 – reflective of the recommended request for approval of the applicant's OHA debt citing that he was not at fault nor recognized the error previously due to the monthly fluctuation of OHA
- Memorandum – Subject: Remission or Cancellation of indebtedness, 11 July 2024 – reflective of the partial approval (\$6,170.89) of the applicant's request for debt remission of the \$12,341.78 OHA debt; no grounds exist for the remission of the remaining balance
- DD Form 2367 (Individual OHA Report), reflective of the applicant's submitted request to stop his OHA effective 25 July 2023; rent amount: 1,209.90 GBP
- Orders Number 4130923.01, 15 March 2023 – reflective of the applicant's PCS order being amended to reflect a change of assignment, effective 29 September 2023 rather than 15 July 2023
- DD Form 2367 - reflective of the applicant's submitted request to start his OHA, effective 1 August 2022; rent amount: 1,209.90 GBP
- Defence Academy of the United Kingdom letter, 8 August 2022 – reflective of the applicant's daily rental amount of 40.33 GBP per day
- Orders Number 153-027, 2 June 2022 – reflective of the applicant proceeding on PCS orders to the Defence Academy of the UK, Sembach, Germany on 22 June 2022
- Email communication – reflective of communication concerning the applicant's OHA debt; advised that the debt was valid, but he could submit a request for debt remission
- Officer Record Brief – reflective of the applicant's pertinent personnel information to include assignment history

#### FACTS:

##### 1. The applicant states in part:

- August 2022-July 2023 – he was stationed in the UK while participating in the Students of Other Nations program; the nearest military installation was 1.5 hours away thereby limiting his access to traditional military resources
- Rental amount entered into the system as 120,990 GPB rather than 1,209.90 GBP resulting in his receipt of the maximum amount of OHA for the duration of his assignment; his rent was paid in GBP, and he was never presented with the U.S. currency conversion
- Instability of the U.S. and GBP exchange rate
- March 2024 – he was advised of the payment disparity was not his fault; requested debt remission
- Approval to remit a portion of the \$12,341.78 debt; remaining balance of \$6,170.89

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

- On 25 May 2012 – he was appointed a Regular Army commission within the Military Intelligence Corps
- On 2 April 2021 (Orders Number 092-139) – he proceeded on PCS orders from Destin, FL to Homestead, FL, effective 30 June 2021
- On 2 June 2022 (Orders Number 153-027) – he proceeded on PCS orders to the Defence Academy of the UK, Sembach, Germany, effective 22 June 2022
- On March 2023 (Orders Number 4130923) – he proceeded on PCS orders to Destin, FL, effective 15 July 2023
- On 5 June 2023 (Orders Number 4942995) he was reassigned to Sembach, Germany, effective 5 June 2023

BOARD DISCUSSION:

1. 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, the Board found the applicant was overpaid for OHA while in England and the applicant received all of the entitlement. The Board majority determined the debt to be valid. The Board minority was convinced by the applicant's statement that he misinterpreted the conversion amounts. Based on this, the Board determined relief was not warranted.

2. 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:

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

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) 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
  
2. Department of Defense 7000.14-R (Financial Management Regulation) Volume 7A, Chapter 26 (Housing Allowances) provides 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. Chapter 6 (OHA) provides that 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. When a Service member is required to pay monthly rent at a specified fixed-exchange rate (dollar equivalency contract) for the lease duration because it is required by law or local custom, the Service member's commanding officer, or designee, must enter the following statement in DD Form 2367 (Individual Overseas Housing Allowance (OHA) Report), Part C (Remarks): "Dollar equivalency contract required. No other housing option available to the Service member." The Service member must enter the monthly rent equivalent in U.S. dollars into DD Form 2367, block 7b.
  - a. OHA Monthly rental Allowance: - Monthly rent is the amount paid each month by a Service member for possession and use of private-sector housing, to include a mobile home or boat. The rent stated in the lease, or as otherwise agreed to by the landlord and the tenant in a written document, must be used in computing the OHA monthly rental allowance.
  
  - b. For Service member with-dependent, the maximum rental allowance is the lesser of the Service member's reported rent or the maximum allowable rent for the Service member's grade at the PDS locality. In some locations outside the United States, a Service member or dependent incurs excessive housing expenses for items that a Service member based in the United States does not normally incur. Since the expenses are not incurred by every Service member outside the United States, they cannot be a part of the ordinary OHA calculation. For these expenses, payment is a

lump sum, dollar-for-dollar, reimbursement for a specifically authorized expense at designated authorized locations.

3. AR 15-185 (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 applicant's 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//