

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 December 2025

DOCKET NUMBER: AR20240011581

APPLICANT REQUESTS:

- Correction to his basic allowance for housing (BAH) and overseas housing allowance (OHA) during his overseas assignment to South Korea from between 14 July 2021 to 16 July 2023
- A personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Orders Number 165-41, dated 14 June 2021
- DD Form 1351-2 (Travel Voucher or Subvoucher), dated 19 July 2021 showing an unaccompanied permanent change of station (PCS) to Camp Humphreys, South Korea
- Orders Number 224-3902, dated 12 August 2022
- Orders Number 0004682526.01, dated 10 May 2023 revoking Orders Number 0004682526.00 for PCS reassignment
- Memorandum, SUBJECT: Request for Revocation of Command Sponsorship, dated 31 May 2023 showing his request for removal of Command Sponsorship benefits with signature from post representatives for OHA, Transportation, and Travel that he did not use the family benefits authorized at the time while stationed in South Korea
- Defense Finance and Accounting Service (DFAS) Leave and Earnings Statements (LESS) covering 1 January 2021 to 31 December 2022 showing his BAH and OHA allowances paid during the period while stationed

FACTS:

1. The applicant states, in pertinent part:

- He was assigned to the Combined Forces Command in South Korea for a two-year assignment with command sponsorship from 14 July 2021 to 16 July 2023
- He arrived in country on 14 July 2021 without his dependents

- He requested removal of his Command Sponsorship on 1 August 2021 due to change in marital status and a court order requiring his dependent children to remain with his former spouse
- During his tour, he did not receive BAH for his family for 17 months, and he did not receive OHA for 7 months
- On 31 May 2023, his Command Sponsorship was revoked without any amendment to his original orders
- He has a court order requiring him to pay a substantial amount of money to his former spouse
- Since he used personal funds to cover housing for his family while they remained in Virginia, he is requesting payment of all entitlements by DFAS to satisfy the court order

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

- On 5 October 1999, he enlisted in the Regular Army
- His record is void of the DA Form 71 (Oath of Office – Military Personnel) wherein he accepted commission and executed an oath of office
- DA Form 1059 (Service School Academic Evaluation Report), dated 7 February 2003 shows he successfully completed Military Intelligence Officer Basic Course from 15 September 2002 to 7 February 2003
- Orders Number 165-41, dated 14 June 2021 for PCS to South Korea on 31 July 2021, with Command Sponsorship for his dependent spouse and children
- Orders Number 224-3902, dated 12 August 2022 issued for reassignment from Yongsan to Camp Humphreys, South Korea with Command Sponsorship authorization of his dependents, effective 1 September 2022
- He continues service in the Regular Army

3. The Office of the Deputy Chief of Staff, G-1, Financial Management Specialist, Military Pay Branch provided an advisory opinion recommending disapproval of the applicant's request stating, in pertinent part:

a. They recommend the Board disapprove the applicant's request for administrative relief. For the period 14 July 2021 through 16 July 2023, he was paid the correct entitlements based on his accompanied assignments to Yongsan and Camp Humphreys, South Korea.

b. According to finance records, he received a temporary lodging allowance from 16 July 2021 through 18 July 2023, he received an OHA at the "with-dependent" rate based on his assignment in Korea. While he states he applied to revoke command sponsorship of his family, there is no approval document from the command or documented change to his tour from accompanied to unaccompanied.

c. In support of the advisory, a Memorandum, SUBJECT: BAH Review dated 28 October 2024, from the U.S. Army Human Resources Command (HRC), Supervisor, Financial Management Analyst, Military Pay Division (MPD) was provided as evidence showing the applicant needed to provide court documents supporting his statement of divorce and proof of child support, along with an updated form requesting a change in BAH.

4. On 5 November 2024, the applicant was provided a copy of the advisory opinion and afforded an opportunity to respond.

5. On 19 November 2024, the applicant responded to the advisory stating, in pertinent part:

a. He has included all the additional supporting documents highlighted in both advisories and would like to address both G-1 and HRC.

b. The issue highlighted by G-1 is the core of his request for ARBA to correct. When his command sponsorship was revoked, it should have been back dated to his arrival in Korea on 14 July 2021. Based on the email message, he took active steps to have the orders amended to reflect the actual status while in Korea. The email from Joint Base Myer Henderson Hall (JBM-HH) MPD and United States Forces Korea (USFK) J1 shows the discussion between both offices. First attempt to in August 2021 to revoke command sponsorship was returned without action. It was only after U. S. Army Garrison (USAG) Humphreys MPD requested update to dependents information that USFK J1 took action to revoke command sponsorship and revoke orders. But neither the revocation date nor the reassignment date was correct because his family was never in Korea.

c. HRC MPD assessment is correct since all pay actions are based on orders. His orders were not amended as requested during his tour; thus, it did not impact finance actions. The DA Form 5960 was signed and submitted on 6 June 2022 with an effective date of 14 July 2021 because that was the date of his arrival to Korea unaccompanied.

d. Please see the divorce document with a separation date recorded by the court. HRC recommendation "SM needs to work to get PCS order(s) amended....for household goods/personal vehicle storage and dependent BAH authorization" is what he was trying to achieve for over three years. USFK J1 and USAG Humphreys MPD did not correctly complete the amendment action. JBM-HH MPD directed him to G-1, and G-1 directed him to ARBA.

e. In support, he also provided the following documents:

- Memorandum, SUBJECT: Request for Revocation of Command Sponsorship, dated 31 May 2023
- Order Number 0004682526.01, dated 10 May 2023
- Order Number 0004682526.00, dated 10 May 2023
- Email correspondence - returned without action
- Divorce Decree

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. The evidence of record shows the applicant received the appropriate entitlements based on his accompanied assignments to Yongsan and Camp Humphreys, South Korea. The applicant received an overseas housing allowance at the with-dependent rate based on his assignment in Korea. Therefore, the Board found no error or injustice and denied relief.

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:

Mbr 1 Mbr 2 Mbr 3

:	:	:	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.



X //SIGNED//

CHAIRPERSON
Signed by: USA

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 (Basic Allowance for Housing (BAH) provides that effective 1 January 1998, in general, BAH provides members a monthly allowance for housing. This allowance is authorized for members with and without dependents. Basic Allowance for Housing is intended to pay only a portion of housing costs. Basic Allowance for housing will consist of BAH, BAH-II, BAH Difference (BAH-DIFF), Partial BAH, Overseas Housing Allowance (OHA), and Family Separation Housing (FSH). Basic Allowance for Housing also consists of the former allowances known as Basic Allowance for Quarters (BAQ) and Variable Housing Allowance (VHA).

2. AR 637-1 (Army Compensation and Entitlements Policy) states:

a. Chapter 7-2 (General Provisions) A Soldier is authorized a housing allowance for a child for whom the Soldier is paying child support if all the following conditions are met:

- The Soldier is required to support a child in the custody of a former spouse
- He or she is married to another Soldier with children born of this marriage
- The Soldier lives in family-type government quarters with the Soldier's spouse and children
- The Soldier is assigned to PCS to a different Permanent Duty Station outside commuting distance
- The Soldier's current spouse, who is also a Soldier, and children remain in government quarters
- The government quarters assignment is in or transferred to the remaining Soldier's name

b. Chapter 7-6 (Dependent custody effects on housing allowances) Voluntary support payments. Voluntary support payments must not be considered to determine housing allowance authorization unless there is a mutual agreement between the Soldier parents that the custodial Soldier parent accepts the support payments.

(1) Single Soldiers requesting basic allowance for housing differential. Single Soldiers who are requesting to receive BAH – DIFF and/or BAH/OHA at the with dependent rate based on a dependent child are required to be the custodial parent by having legal and physical custody or by paying monthly child support to the custodial parent in at least the BAH – DIFF amount for the Soldier's grade. For housing allowance purposes, legal custody is defined as having a court order awarding the Soldier the custodial parent. Physical custody is defined as the child living in the same residence as the Soldier on a nontemporary basis for a period of at least 90 consecutive days.

(2) Proof of parentage. Soldiers are required to be identified on the birth certificate. A properly certified DNA test or court declaration establishing proof of parentage are also acceptable if no birth certificate is available. Proof of support.

(3) When paying monthly child support, a cancelled check, money order, Electronic Fund Transfer (EFT), voluntary allotment, and involuntary allotment are acceptable as proof of support. EFT payments made via bank account deduction or PayPal account is also acceptable. However, all transactions must be payable to the custodial parent monthly. The amount of support must be in an amount that is at least the current BAH – DIFF based on the Soldier's grade. In child support payment cases, a joint bank account or letter signed by the custodial parent attesting to support payments are not acceptable as proof of support.

c. Basic allowance for housing differential Soldiers who do not have court decreed primary legal and physical custody of their children generally receive BAH – DIFF, which is the difference between with and without dependent nonlocality BAH rate in a given calendar year. A Soldier who is paying child support and residing in single-type government housing is authorized BAH – DIFF, providing the amount of child support is greater than or equal to the BAH – DIFF amount for the Soldier's pay grade. A Soldier must be able to demonstrate that they contribute no less than the applicable BAH – DIFF rate to retain the allowance, but it is not required for a legal document to state support or responsibility to support in order to be eligible for BAH – DIFF.

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//