



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

LCC:ddj
Docket No: 7662-00
20 March 2001

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 March 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 7220 SER N130C3/01U101 of 13 March 2001, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO
7220
Ser N130C3/01U101
13 Mar 2001

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTIONS
OF NAVAL RECORDS

Via: Assistant for BCNR Matters, Pers-00XCB

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO


Ref: (a) Electronic Military Personnel Records System (EMPRS-98)
(b) DODFMR Volume 7A, Chapter 26, Feb 00

Encl: (1) BCNR Case File #07662-00 w/Microfiche Service
Record

1. Per your request, the following recommendation concerning enclosure (1) is provided.
2. Enclosure (1) indicates a request for retroactive pay for Basic Allowance for Housing (BAH) at the w/dependent rate for San Clemente, CA (dependent location) vice Camp Pendleton, CA (duty station).
3. A review of enclosure (1) revealed that the petitioner executed a Permanent Change Station (PCS) move from 1st Mar Div FMF PAC Camp Pendleton, CA to NAVHOSP Camp Pendleton, CA (proximity move) effective 15 May 98 and was authorized BAH at the w/o dependent rate for duty station. Per reference (a) NAVPERS 602R (page 2), the petitioner moved from Hemet, CA to San Clemente, CA after getting married on 16 Oct 99. IAW reference (b) Table 26-9, Rule 1, Note 1(e), BAH based on dependent location is authorized when in receipt of PCS orders between duty stations in the same proximity that as a result disadvantage the member and movement of household goods (HHG) is not authorized.
4. The petitioner is not eligible for BAH at dependent location. The provision for close proximity move waivers exists for a member who executes a no-cost move from a duty station with a higher BAH rate to a duty station with a lower BAH rate, when the member did not move dependents. In this case, the members duty stations were both located at Camp Pendleton, CA therefore the BAH rate would be the same. Therefore N130C recommends disapproval of the petitioner's request IAW reference (b).



Assistant Head, Pay and
Allowances Section (N130C)