

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

LCC:lc
Docket No: 2959-04
11 May 2004

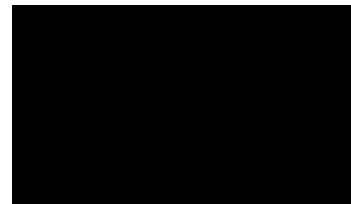
This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 May 2004. 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 OPNAV memorandum 7220 Ser N130C4/04 0308, 27 April 2004, 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,



Enclosure

DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS

IN REPLY REFER TO
7220
Ser N130C4/04U0308
27 Apr 04

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

Via: Assistant for BCNR Matters, Pers-OOXCB

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO

Ref: (a) DODFMR Volume 7A, Chapter 26
(b) SECNAVINST 7220.82 End: (1) BCNR Case File #02959—04

1. Per your request, the following recommendation concerning enclosure (1) is provided.
2. Enclosure (1) indicates a request to draw Basic Allowance for Housing (BAH) at the with-dependent rate for [REDACTED] (dependents' location) vice [REDACTED] (duty station)
3. IAW reference (a), BAH entitlement is based on the member's Permanent Duty Station (PDS). Reference (b) allows payment of BAH at dependent location under certain circumstances. One of the requirements of reference (b) is that the member and dependents reside separately. The petitioner's circumstance does not this criterion.
4. N13OC recommends disapproval of the petitioner's request to draw BAH at dependents' location ([REDACTED]).

