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

WJH
Docket: 2586-10
20 July 2010

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: [redacted]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) CNO N130 LTR 7220 Ser N130C3/10U0506 of 18 Jun 2010
(3) Subject's naval record

1. Pursuant to the provisions of reference (a) Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show that he is entitled to Basic Allowance for Housing (full rate) for the period 16 Nov 2009 to 26 Dec 2009.

2. The Board, consisting of Messrs. , , and reviewed Petitioner's allegations of error and injustice on 28 June 2010 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner was on active duty from 16 November 2009 to 26 December 2009. Because of continuing resolution funding issues, he executed two consecutive sets of orders. He was on Annual Training Orders from 16 Nov 2009 to 29 November 2009 and on consecutive Active Duty for Training Orders from 30 November 2009 to 26 December 2009. Prior to reporting for duty, his

command was assured that he would be entitled to Basic Allowance for Housing (BAH) at the full rate (vice the Reserve Component rate) for the entire period. However, between 16 November 2009 and 26 December 2009 he was paid only BAH at the Reserve Component rate because neither set of orders exceeded 30 days.

c. In February 2010, Petitioner submitted an application with this Board seeking BAH (full) vice BAH (RC) for the period 16 November 2009 to 26 December 2009.

d. In correspondence attached as enclosure (2), the office having cognizance over US Navy BAH policy has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:

a. Petitioner is entitled to BAH (full) with dependents based on zip code 23460 (Naval Air Station Oceana) vice BAH-(RC) for the period 16 November 2009 to 26 December 2009.

b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6 (c) it is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

William J. Hess

ROBERT D. ZSALMAN
Recorder

WILLIAM J. HESS, III
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

20 July 2010

For W. DEAN PFEIFFER
Executive Director