



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

BAN
Docket: 11994-10
26 April 2011

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

Subj: REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 w/attachments
(2) Headquarters Marine Corps (HQMC) memo 1751 MFP-1 of
25 Mar 11
(3) Subject's naval record

1. Pursuant to the provisions of reference (a) Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show that he was entitled to Basic Allowance for Housing (BAH) at "with dependents" rate from 17 July 2010 to 17 September 2010.

2. The Board, consisting of _____ and _____ reviewed Petitioner's allegations of error and injustice on 25 April 2011 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 married to _____ on 17 July 2010 in the Republic of Haiti. He requested Basic Allowance for Housing at "with dependents" rate for the period of 17 July 2010 through 17 September 2010, while on Active Reserve duty in the Marine Corps.

c. Petitioner provided a translated and notarized copy of his Certificate of Religious Marriage from the Republic of Haiti to his Installation Personnel Administration Center (IPAC) on 2 November 2010.

d. In November 2010, Petitioner submitted an application with this Board seeking BAH at "with dependents" rate for the period of 17 July 2010 to 17 September 2010.

e. In correspondence attached as enclosure (2), the office having cognizance over USMC separation pay has commented to the effect that the request for BAH at "with dependent" rate 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 BAH at "with dependents" rate from 17 July 2010 to 17 September 2010.

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.

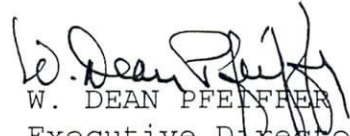
ROBERT D. ZSALMAN
Recorder


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.

26 April 2011


W. DEAN PFEIFFER
Executive Director