



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

[REDACTED]
Docket No. 470-17
OCT 24 2017

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED] USN, [REDACTED]

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

Encl: (1) DD Form 149 w/attachments
(2) 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 maintain basic allowance for housing (BAH) at the old permanent duty station (PDS) in conjunction with a close proximity move.
2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 12 July 2017 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: Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board agrees with the Petitioner that he was issued permanent change of station orders containing no appropriation data. On 13 March 2015, his orders were modified updating the report date only. On 30 July 2015, Petitioner transferred, and arrived to his new duty station on 31 July 2015. Since then, and even though late in submission, his current command approved his request for a close proximity move. 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:

Prior to 30 July 2015, the Petitioner was granted authority for a close proximity move by the gaining command allowing to receive the BAH rate for the previous PDS and the commuting

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distance is reasonable.

Petitioner was authorized BAH at the rate of the old PDS, Military Housing Area (MHA) [REDACTED] vice the new PDS, [REDACTED] effective 30 July 2015. Note: Petitioner's Official Change Duty Orders, BUPERS Order 0245 dated 23 January 2015 stated the following: "No permanent change of station (PCS) entitlements will be provided because these order reassign member between two non-shipboard activities or units located at the same permanent duty station (PDS). Relocation of household goods within the same PDS is not authorized at government expense unless authorized under MILPERSMAN 1300-100." Furthermore, the Petitioner has maintained the same residence. If a move is conducted at personal expense, the Petitioner will lose the authorization for BAH at the old PDS.

A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. 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.

[REDACTED]
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.

[REDACTED]
Executive Director