



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

[REDACTED]
Docket No. 1940-23
Ref: Signature Date

[REDACTED]

Dear [REDACTED] [REDACTED]

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 15 August 2023. The names and votes of the members of the panel will be furnished upon request. 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, relevant portions of your naval record and applicable statutes, regulations, and policies. In addition, the Board also considered the advisory opinion by the Commanding Officer, [REDACTED] memorandum [REDACTED], which was previously provided to you. You were afforded an opportunity to submit a rebuttal, but did not do so.

In accordance with OPNAVINST 7220.12 published on 24 December 2005, Navy policy restricts eligibility to berth ashore for single shipboard Sailors E-5 and E-4 (with greater than four years of service), contingent upon the approval of their commanding officer. This approval, however, does not constitute an authorization to receive a housing allowance, but simply allows the member to reside off the ship.

The shore-based facility commander shall make the determination whether the member will be berthed in single bachelor quarters or entitled to draw an off-base housing allowance. It should be noted that full utilization of BQ spaces should be ensured prior to authorization of Basic Allowance for Housing (BAH) for shipboard E-4s over four years of service without dependents. However, senior personnel residing in the BQ will not be involuntarily displaced to provide berthing for single shipboard E-4 Sailors.

On 11 June 2015, you entered active duty. On 1 July 2018, you were advanced to [REDACTED]/E-4. On 1 January 2022, you transferred from [REDACTED], and arrived to [REDACTED] on 11 February 2022 for duty. On 13 December 2022, BAH at the without dependents rate for [REDACTED], [REDACTED] was started effective 28 November 2022. On 9 March 2023, you were advanced to [REDACTED]/E-5.

You requested an audit and correction of pay from 2016 to present. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You did not request a specific change to your record, however, you assert that you are repaying a debt to which you did not sign any documentation agreeing to repay and that you are missing BAH for your current duty station. The advisory opinion explained that your debt is the result of the combat zone tax exclusion documentation being submitted late, causing an overpayment to you and that you are currently receiving BAH for zip code [REDACTED] with an effective date of 28 November 2022. There is no documentation in your record, nor did you provide any, that you received authorization from the shore based commander to receive BAH prior to the date you began receiving it. Because the Board does not audit Petitioners' financial records the Board recommends that you contact your Personnel Support Detachment to request an audit from the Defense Finance and Accounting Service.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

8/17/2023
[REDACTED]