



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

██████████
Docket No. 5666-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ██████████, USN ██████████
██████████

Ref: (a) Title 10 U.S.C. § 1552
(b) DoD 7000.14-R FMR Volume 7A, Chapter 26

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by NPPSC memo 7220 N1, 13 Dec 23
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to show Petitioner received overseas housing allowance (OHA) from 13 September 2017 to 1 April 2018.

2. The Board, consisting of ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 20 February 2024 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, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies.

3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

b. On 21 June 2017, Petitioner was issued official change duty orders (BUPERS order: 1727) while stationed in ██████████ with an effective date of departure of July 2027. Petitioner's ultimate activity was ██████████ for duty with an effective date of arrival of 30 August 2017 with a Projected Rotation Date of August 2018.

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[REDACTED]

- c. On 21 July 2017, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 29 August 2017 for duty.
- d. On 28 February 2019, Petitioner was authorized OHA at the without-dependent rate for [REDACTED] effective 1 April 2018.
- e. In accordance with Petitioner's Leave and Earnings Statements for the period of 1 March 2019 to 1 March 2019, Petitioner received BAH in the amount of \$20,009.64.
- f. On 10 July 2019, Petitioner certified an Individual OHA report (DD Form 2367) effective 13 September 2017. Petitioner was stationed in [REDACTED]. Petitioner's monthly rent was [REDACTED] and Petitioner separately paid for some utilities and some were included in rental/lease agreement with landlord. Furthermore, the request was received by cognizant authority and approved effective 10 July 2019.
- g. On 3 July 2019, Petitioner was issued official Fleet Reserve orders (BUPERS order: 1849) while stationed in [REDACTED] with an effective date of departure of July 2019. Petitioner's intermediate (01) activity was [REDACTED] for temporary duty pending separation with an effective date of arrival of 20 July 2019. Petitioner's home of selection: [REDACTED] with an effective date of retirement of 31 August 2019.
- h. On 20 July 2019, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 23 July 2019 for duty.
- i. On 8 August 2019, Petitioner was issued official Fleet Reserve orders (BUPERS order: 2209) while stationed in [REDACTED] with an effective date of departure of August 2019. Petitioner's home of selection: [REDACTED] with an effective date of retirement of 31 August 2019.
- j. Petitioner was transferred to the Fleet Reserve with an honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 21 August 1999 to 31 August 2019 upon having sufficient service for retirement.
- k. On 31 August 2019, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 31 August 2019 for duty.
- l. On 13 February 2024, Housing Management Assistant, [REDACTED] notified the Board that, "[u]nfortunately we do not keep records over 3 years. From what I see at our computers he moved in his place September 13, 2017."

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that on 10 July 2019, Petitioner certified an Individual DD Form 2367 for OHA effective 13 September 2017.

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[REDACTED]

Petitioner was paid OHA at the without dependents rate effective 1 April 2018. The Board confirmed with the [REDACTED] Housing Office that Petitioner's lease started on 13 September 2017, therefore the Board agreed that OHA starts on the day a service member obtains private-sector housing in accordance with reference (b).¹

RECOMMENDATION

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

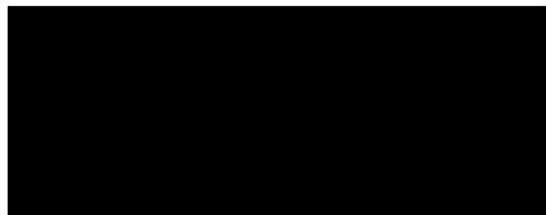
Petitioner was authorized OHA at the without-dependent rate for [REDACTED], from 13 September 2017 to 31 March 2018.

Note: The Defense Finance and Accounting Service will complete an audit of Petitioner's pay records to determine Petitioner's pay entitlements.

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

4. It is certified that a 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.
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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

2/27/2024



¹ Reference (b), the authorizing document for OHA is the DoD DD Form 2367, OHA Report. Unless specifically authorized elsewhere in this Chapter, Permanent Duty Station (PDS) housing allowance eligibility starts on a Service member's reporting day to a new PDS. OHA starts on the day a Service member obtains private-sector housing. A Service member authorized to live in private sector leased or owned housing is authorized OHA provided a DD 2367 is completed and approved. Payment of OHA requires a lease agreement or a verifiable purchase price. The senior officer of the Uniformed Services in the country concerned, or the individuals or offices designated for that purpose by the senior officer has approval authority. 6.1.2.1. The reported housing must be the actual residence that the Service member occupies and from which the Service member commutes to and from work daily. An OHA paid monthly includes the rental allowance and the utility and recurring maintenance allowance as specified in paragraphs 6.2 and 6. OHA rates are based on a Service member's PDS except as otherwise indicated in this chapter.