



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

██████████
Docket No. 8932-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████, USN, XXX-XX-██████████

Ref: (a) Title 10 U.S.C. § 1552
(b) NAVADMIN 101/10, 19 Mar 10

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 the Board for Correction of Naval Records (Board), requesting that her naval record be corrected to show Petitioner was authorized Basic Allowance for Housing (BAH) at the previous Permanent Duty Station (PDS) under the provisions of a close proximity move effective 10 April 2023.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 9 May 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. On 26 February 2019, Petitioner transferred from ██████████, and arrived to ██████████ on 13 March 2019 for duty.
- b. On 16 June 2021, Petitioner was advanced to MM3/E-4.
- c. On 21 October 2022, Petitioner's address was verified via Navy Standard Integrated Personnel System (NSIPS)/Electronic Service Record (ESR) listing ██████████, ██████████.
- d. On 15 February 2023, Petitioner was issued official modification to change duty orders (BUPERS order: ██████████) while stationed in ██████████, ██████████, with an effective date of departure of February 2023. Petitioner's ultimate activity was ██████████, ██████████, for duty with an effective date of arrival of 28 February 2023 with a projected rotation date (PRD) of September 2024.

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e. On 28 February 2023, Petitioner was issued official cancellation to change duty orders (BUPERS order: [REDACTED]).

f. On 27 March 2023, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of April 2023. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 29 May 2023 with a PRD of June 2026.

g. On 5 April 2023, Commanding Officer, [REDACTED] notified Commander, Navy Personnel Command (PERS-405DE) via Petitioner that, "[i]n response to Petitioner's letter of 3 April 2023 and per 37 U.S.C. section 403, DoD 7000.14-R FMR Volume 7A, and NAVADMIN 101/10, the requesting service member is authorized to receive Basic Allowance for Housing (BAH) based on his previous Permanent Duty Station (PDS). Please remove the funding for a Household Goods (HHG) move from the members orders and re-issue those orders. The member established a residence prior to the date the member s orders were issued, the member will be commuting daily to her new PDS, and the commuting distance is reasonable for this geographic location. With the removal of the funding for an HHG move, the member realizes she has forfeited the authorization for the government to fund a move. Additionally, the member will forfeit the right to receive BAH based on his previous PDS if the member moves his residence at her own expense. As indicated in the request, the member acknowledges that any obligated service associated with these orders must still be completed."

h. On 10 April 2023, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 8 May 2023 for duty.

i. On 13 May 2023, Petitioner's BAH at the without dependents rate for [REDACTED], [REDACTED] stopped effective 7 May 2023.

j. On 10 June 2023, Petitioner's BAH at the without dependents rate for [REDACTED], [REDACTED] started effective 24 May 2023.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following partial corrective action. The Board concluded that Petitioner completed the requirements listed in reference (b)¹ to qualify for BAH based on her previous PDS

¹ Reference (b), this NAVADMIN clarifies eligibility and procedures for execution of a close proximity move. The following policy is in accordance with Title 37 U.S. Code Section 403 and Joint Federal Travel Regulations 1 November 2008 and supersedes any guidance on BAH as it pertains to close proximity moves listed in OPNAVINST 7220.12 and NAVADMIN 026/09. Service members who have not executed their orders are eligible to remove the HHG funding from those orders in order to fall under the provisions of a close proximity move and may be eligible to receive BAH based on the previous PDS. Service members with or without dependents who are reassigned within the continental united states, maintain an established residence, and still commute daily to their new PDS or homeport, may qualify for BAH based on their previous PDS under the provisions of a close proximity move. To qualify for BAH based on the previous PDS the following provisions must be met: funding for a HHG move must not be authorized; the member must maintain a continuous residence. The member must have established a continuous residence at the previous PDS prior to receiving his/her new orders; the member must commute daily to the new PDS from the same residence. Finally, to receive BAH based on the old PDS, the member must complete the below steps prior to the execution of orders: request authorization from the gaining commanding officer to receive BAH based on his/her previous duty station. Gaining commanding officers should ensure that member is maintaining a continuous residence and that the commuting distance from that continuous residence is reasonable for the geographic location of the assignment. If approved by the gaining commanding officer, the member must send the approval letter to his/her detailer in order to get the HHG funding removed from his/her orders. Once HHG funding is removed from the orders and the orders are re-issued, the member must take the approval

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under the provisions of a close proximity move and her gaining CO recommended approval of her request. However, due to the short amount of time from orders issuance to execution, an orders modification removing funding for a HHG move could not be completed. The Board determined that Petitioner is eligible to receive BAH at the without dependents rate based on old PDS effective 8 May 2023, the date she checked in to [REDACTED].

RECOMMENDATION

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

Petitioner's request for a close proximity move was approved by cognizant authority prior to executing orders (BUPERS order: [REDACTED]).

Petitioner's BAH at the without dependents rate for "[REDACTED], [REDACTED]" vice "[REDACTED], [REDACTED]" effective 8 May 2023 to present. Note: If Petitioner moves from her residence, she will no longer be authorized BAH at the old PDS.

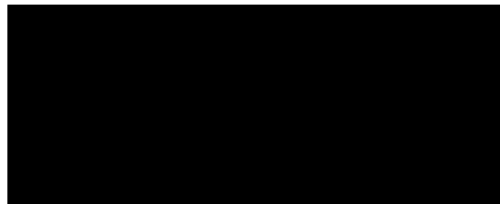
That no further changes be made to Subject's naval record.

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.

5/21/2024



letter and the orders to personnel support detachment upon check in to the gaining command to have BAH based on the previous duty station continued.