



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

██████████
Docket No. 8987-23
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) OPNAVINST 7220.12, 24 Dec 05
(c) MILPERSMAN 7220.160, 1 Jun 19
(d) DoD 7000.14-R FMR Volume 7A, Chapter 26

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 his naval record be corrected to show Petitioner was authorized Basic Allowance for Housing (BAH) and Basic Allowance for Subsistence (BAS) without dependents for the period of 6 May 2021 through 23 July 2021 and BAH and BAS with dependents during the period of 24 July 2021 through 8 November 2021.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 23 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 13 March 2019, Petitioner entered active duty.
- b. On 10 October 2019, Petitioner transferred from ██████████, and arrived to ██████████ on 15 October 2019 for duty.
- c. On 14 December 2020, Petitioner married a military member.

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- d. On 12 April 2021, Officer in Charge, [REDACTED] notified To Whom It May Concern that “[t]his is to certify that [REDACTED] is currently an active-duty member of the United States Navy, stationed at [REDACTED] [REDACTED] military pay reflects the following information: BasePay:2183.28, BAS: 386.50 BAH: 2616.00.”
- e. [REDACTED], Unaccompanied Housing provided a statement listing Petitioner’s arrival date of 15 October 2019. Furthermore, it also listed an endorsement with a check out date of 6 May 2021. Petitioner certified that he was not receiving BAH on 6 May 2021.
- f. On 27 July 2021, Petitioner’s spouse began to receive BAH at the without dependents rate for [REDACTED] on 8 July 2021.
- g. On 24 July 2021, Petitioner’s child was born.
- h. On 17 August 2021, Petitioner was issued official change duty orders (BUPERS order: 2291) while stationed in [REDACTED] with an effective date of departure of October 2021. Petitioner’s ultimate activity was [REDACTED] for duty with an effective date of arrival of 30 November 2021 with a projected potation date of March 2023.
- i. [REDACTED], Unaccompanied Housing provided a statement which listed a check-in date of 23 September 2021 and check-out date of 14 October 2021.
- j. On 14 October 2021, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 8 November 2021 for duty.
- k. On 16 October 2021, Petitioner was advanced to AS3/E-4.
- l. On 21 October 2021, Petitioner’s Dependency Application (NAVPERS 1070/602) listing Petitioner’s spouse and child residing at [REDACTED].
- m. On 31 January 2022, Petitioner’s spouse transferred from [REDACTED], and arrived to [REDACTED] on 4 February 2022 for duty.
- n. On 10 February 2022, BAH at the with dependents rate for [REDACTED] was started effective 8 November 2021.
- o. On 16 June 2022, Petitioner’s spouse was advanced to CTT3/E-4.
- p. Petitioner was released from active duty and transferred to the Navy Reserve with an Honorable character of service and was issued a DD Form 214, Certificate of Release or Discharge from Active Duty for the period of 13 March 2019 to 12 March 2023 upon completion of required active service. Signed by authorized Official on 15 February 2023.

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q. On 27 March 2023, Petitioner's spouse began to receive BAH at the with dependents rate for [REDACTED] was effective 13 March 2023.

r. On 17 December 2023, Petitioner's spouse was separated from active service.

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. Board concluded that in accordance with reference (b), 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. 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. Sailors who are married to another Sailor, both of whom are E-5 and below and on sea duty are entitled to an off-base housing allowance at the without dependent rate. When one member of a dual military couple transfers from sea duty to shore duty, the Navy policy for E-4(s) with less than four years of service and E-5 single comes into effect. Petitioner was married to a military member on shore duty during the period in question and he was not residing in single-type government quarters. However, Petitioner was an E-3, was living separately from his spouse at a different permanent duty station, and there is no evidence that the installation commander approved a request to receive BAH at the without dependents rate. The Board determined that he was not eligible to receive BAH at the without dependents rate for the period of 6 May 2021 to 23 July 2021. Additionally, due to no evidence that Petitioner had permission to mess separately, Petitioner is not authorized BAS. However, the Board determined that Petitioner is authorized to receive BAH at the with dependents rate due to the birth of his child and because his spouse did not receive a housing allowance for their child. Therefore, the Board determined that Petitioner was authorized BAH at the with dependents rate from 24 July 2021 to 7 November 2021.

RECOMMENDATION

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

Petitioner was authorized BAH at the with dependents rate for [REDACTED] from 24 July 2021 through 7 November 2021.

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

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

That 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 titled matter.

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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.

6/6/2024

[REDACTED]

Deputy Director

Signed by: [REDACTED]