



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

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Docket No. 9357-23
Ref: Signature Date

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Dear █,

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 7 May 2024. 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 considered the advisory opinion contained in Commanding Officer, Navy Pay and Personnel Support Center memorandum 7200, N1 of 29 January 2024, which was previously provided to you for comment.

In accordance with DoD 7000.14R Financial Management Regulation Volume 7A, Chapter 26, a parent's dependency is determined based on an affidavit submitted by the parent and any other evidence required under applicable regulations. A legal guardian may complete the form for a mentally incompetent parent. Table 26-13 specifies who determines a dependency relationship for the purposes of a housing allowance when the dependent claimed is a parent, including a person acting in loco parentis.

Table 26-13 Dependent Claimed is a Parent. Rule 2. For the Navy, the Authority Who Determines Dependency is Defense Finance and Accounting Service (DFAS)-CL.

A Service member is authorized a housing allowance on behalf of a parent who depends on the Service member for more than one-half of the parent's support. The parent's income, not counting the Service member's contribution, must be less than one-half of the parent's monthly living expenses and the Service member's contribution must be more than one-half of the parent's monthly living expenses.

If the parent becomes a dependent due to changed circumstances, and the Service member contributes over one-half of the parents' support, a housing allowance is authorized from the date the contribution began. A Service member is authorized a housing allowance for any active-duty period when the parent is a dependent, whether the dependency occurred before or after the Service member entered service.

On 15 January 2020, you entered active duty.

On 27 April 2021, DFAS notified you that your application on behalf of your mother was disapproved. Issuance of a Uniformed Services Identification and Privilege Card was disapproved. With-dependent rate Basic Allowance for Housing (BAH) disapproved. If you chose to reapply, the following documents were needed: Copy of documents establishing the relationship to the member, such as member's birth certificate. Current Proof of the member's support, such as copies of canceled checks (front and back), money order receipts, or a dependent support allotment. Each must show the member's name as sender and the dependent's name as recipient. Joint checking accounts, cash contributions, or purchase receipts are not acceptable proof of support.

On 23 June 2021, you signed a Dependency Statement – Parent (DD Form 137-3). Your first application was submitted on 27 April 2021 and was disapproved.

On 14 July 2021, DFAS notified you that your application on behalf of your mother was APPROVED EFFECTIVE JUNE 23, 2021. BAH approved. You were responsible for notifying DFAS immediately of any change in your dependent's residential, financial, or marital status. You must also notify DFAS if, for any reason, your support to your dependent becomes less than one-half of the dependent's monthly expenses. Failure to recertify by June 23, 2022, will cause benefits eligibility to cease effective June 23, 2022.

On 29 November 2021, you were authorized BAH at the with-dependent rate for ██████████, ██████████ effective 23 June 2021.

On 19 August 2022, DFAS notified you that your application on behalf of your mother was Continued Approved. BAH approved.

You requested back pay for BAH from 14 July 2020 to 22 June 2021, the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that on 27 April 2021, DFAS notified you that your application on behalf of your mother was disapproved. You were directed to provide additional documentation if you wished to reapply. On 14 July 2021, DFAS notified you that your application on behalf of your mother was approved effective 23 June 2021. The Board determined that it does not have the authority to backdate a DFAS determination. In accordance with DODFMR, DFAS-CL is the authority who determines dependency for the Navy. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

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,

5/20/2024

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