



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

[REDACTED]  
Docket No. 10244-23  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN, XXX-XX-[REDACTED]

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) 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) at the with dependent rate effective 1 October 2015 due to paying child support while receiving BAH at the single rate.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 27 June 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 [REDACTED], Petitioner's child, [REDACTED], was born to Petitioner and [REDACTED] (mother).

b. On 15 January 2013, Petitioner entered active duty.

c. On 24 January 2013, Petitioner certified a Dependency Application/Record of Emergency Data (NAVPERS 1070/602) listing no dependents.

d. On 2 March 2015, Petitioner married [REDACTED].

e. On 21 September 2015, [REDACTED] Judicial District Court of [REDACTED], [REDACTED] issued a Child Support Review Order in the interest of Petitioner's child. It is found that Petitioner, the

father of the child, has a duty of support. Petitioner and the child's mother are appointed Joint Managing Conservators of the child. The mother of the child is the designated conservator with the exclusive right to determine the primary residence of the child and may determine the child's primary residence without regard to geographic location. Petitioner is obligated to provide support for health insurance for the child until she reaches the age of 18 or graduates from High School, whichever occurs later. Petitioner is ordered to pay the mother of the child \$430 child support each month effective 1 October 2015 (no retroactive child support of medical support was directed).

f. On 28 February 2017, Petitioner divorced [REDACTED] and no children were born or adopted during this marriage. Furthermore, both Petitioner and former spouse were on active duty in the Armed Forces of the United States.

g. On 29 December 2017, Petitioner certified a Dependency Application/Record of Emergency Data (NAVPERS 1070/602) listing his divorce and his child ([REDACTED]). It erroneously states that, "NAVPERS 1070/602 updated due to addition of child who is dependent of Member's spouse."

h. Petitioner's Master Military Pay Account (MMPA) for the last 5 years shows pay held released (garnishment) in the amount of \$430 monthly from 31 December 2019 to present.

i. On 2 June 2022, Petitioner's MMPA shows that Petitioner began to receive BAH at the with dependents rate for [REDACTED], [REDACTED] effective 1 January 2022.

j. On 11 November 2022, Petitioner married [REDACTED] (current spouse).

k. On 9 June 2024, the mother of the child stated via a notarized letter that, she had "been receiving child support payments every month since we established this together with the Attorney General. [Petitioner] paid child support beginning October 2015. I've received a payment every month since then in the amount of \$430.00."

## 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 Petitioner was ordered to pay \$430 per month in child support to the mother of his daughter, and the mother of the child confirmed that Petitioner has paid said support every month since October 2015. In accordance with reference (b),<sup>1</sup> the Board determined that Petitioner is entitled to a housing allowance based on paying child support since October 2015.

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<sup>1</sup> When a Service member not assigned to Government quarters pays additional support to the former spouse who has primary custody of the child so that the total child support provided is equal to or more than the BAH-Diff (BAH-Differential) rate, he or she is authorized a housing allowance at the with-dependent rate. A Service member assigned to single-type housing facility under a Uniformed Service jurisdiction is not usually authorized more than BAH Partial. However, if the Service member is authorized BAH solely due to paying child support and the Service member is paying an amount equal to or greater than BAH-Diff, then he/she is authorized BAH-Diff. A Service member is not authorized BAH-Diff if the child support payment is less than the Service member's applicable pay grade BAH-Diff amount. See paragraphs 3.6, 3.7, and 4.3 if child is in the custody of another AD member.

RECOMMENDATION

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

Petitioner was authorized BAH-Diff effective 1 October 2015 to 10 November 2022 (day prior to marrying current spouse).

Note: For period(s) that Petitioner was authorized BAH at the without dependents rate, Petitioner's entitlement should be adjusted to show he was authorized BAH at the with dependents rate. The Defense Finance and Accounting Service will complete an audit of Petitioner's pay records to determine BAH amounts due, if any.

That a copy of this report of proceedings 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.

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.

7/1/2024

