



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

██████████
Docket No. 10539-23
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) OPNAVINST 7220.12, 24 Dec 05

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by OCNO memo ██████████
(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 receive back pay for basic allowance for housing (BAH) debt.
2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 20 August 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 November 2014, Petitioner entered active duty.
 - b. On 25 April 2018, Petitioner transferred from ██████████, and arrived to ██████████ on 23 May 2018 for duty.
 - c. On 16 June 2019, Petitioner was advanced to ABH3/E-4.
 - d. On 17 June 2019 Petitioner's Master Military Pay Account (MMPA) shows that Petitioner was authorized BAH at the without-dependents rate for ██████████ effective 16 June 2019.
 - e. On 22 July 2019, Petitioner was issued official change duty orders (BUPERS order: ██████████) with required obligated service to February 2023, while stationed in ██████████ with an effective date of departure of January 2020. Petitioner's ultimate activity was ██████████ for duty with an effective date of arrival of 14 February 2020 with a projected rotation date of February 2023.

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f. On 31 January 2020, Petitioner transferred from ██████████, and arrived to ██████████ on 13 February 2020 for duty.

g. On 28 February 2020, ██████████ Association of Realtors drafted a Residential Lease or Month-To-Month Rental Agreement between Landlord and Tenant for 12 months with an ending date of 28 February 2021. Leased property address is ██████████.

h. On 10 October 2020 Petitioner's MMPA shows that Petitioner's BAH at the without-dependents rate for ██████████ stopped effective 12 February 2020.

i. On 26 October 2020, Petitioner was issued official separation orders (BUPERS order: ██████████) while stationed in ██████████ with an effective date of departure of November 2020. Petitioner's home of selection: ██████████ with an actual date of separation of 6 November 2020.

j. Petitioner was discharged with an Under Honorable Conditions (General) character of service and was issued a DD Form 214, Certificate of Release or Discharge from Active Duty for the period of 13 November 2014 to 6 November 2020 due to Misconduct – drug abuse.

k. In the advisory opinion, 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.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an error warranting the following partial corrective action. The Board concluded that in accordance with reference (b), single shipboard E-4 Sailors who were previously assigned to shore duty in the same geographical location will continue to receive BAH if continuing to permanently reside in non-government quarters. Upon completion of the sea duty assignment, the member will continue to receive BAH if reassigned to the same shore location. Petitioner was authorized BAH at the without dependents rate for his sea duty aboard ██████████ effective 16 June 2019. On 31 January 2020, Petitioner transferred to ██████████ which is in the same geographic location as his sea duty assignment. MMPA shows on 10 October 2020, Petitioner's BAH was stopped effective 12 February 2020, creating a debt. The Board determined that in accordance with reference (b),¹ Petitioner was entitled to BAH at the without dependents rate from 13 February 2020 to 6 November 2020. The Board does not do calculations regarding debt, therefore the Board determined that the Defense Finance & Accounting Service (DFAS) will audit Petitioner's pay records to determine amounts due, if any.

RECOMMENDATION

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

¹ Single shipboard E-4 Sailors who were previously assigned to shore duty in the same geographical location will continue to receive BAH if continuing to permanently reside in non-government quarters. Upon completion of the sea duty assignment, the member will continue to receive BAH if reassigned to the same shore location.

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Petitioner was authorized BAH at the without-dependents rate for [REDACTED] from
13 February 2020 to 6 November 2020.

Note: The DFAS will complete an audit of Petitioner's pay records to determine amounts due, if any.

That a copy of this report of proceedings will be filed in Petitioner's naval record.

That no further changes be made to 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.

8/24/2024

