

DEPARTMENT OF THE NAVY

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

> Docket No. 10882-23 Ref: Signature Date



Dear ,

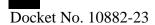
This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found 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 15 August 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 Office of the Chief of Naval Operations memorandum 7431 Ser N130C2/24U0561 of 21 June 2024, which was previously provided to you for comment.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

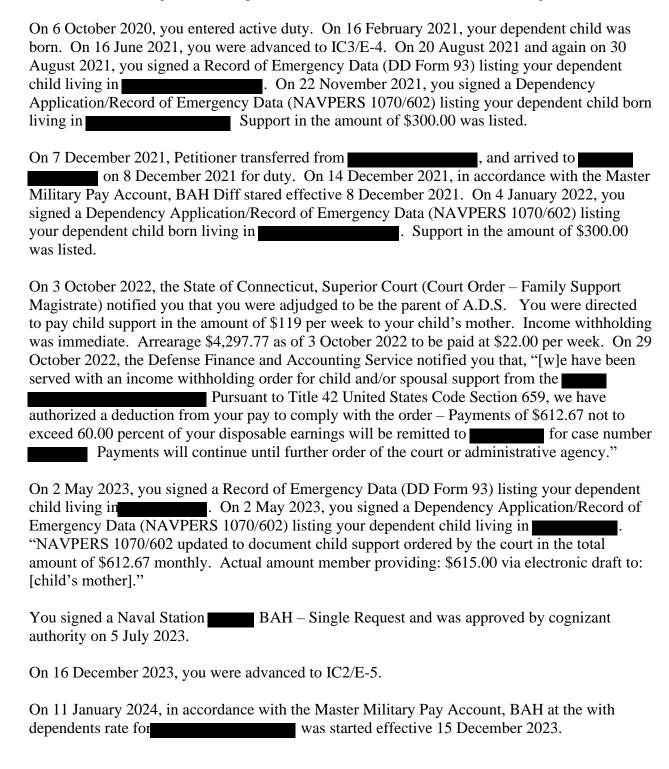
In accordance with OPNAVINST 7220.12 published on 24 December 2005, single members who pay child support and who do not reside in government quarters within the United States are authorized Basic Allowance for Housing (BAH) with dependents based on payment of child support. (These members were authorized to receive BAH single and BAH-Differential (BAH-DIFF) prior to 1 January 2006). Single members who pay child support and who are assigned to government quarters are authorized to receive BAH-Diff only.

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. This approval, however, does not constitute an authorization to receive a housing allowance, but simply allows the member to reside off the ship.

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.



You requested BAH at the with dependent rate since February 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 16 February 2021, your dependent child was born. On 22 November 2021, you signed a NAVPERS 1070/602 that you were providing support in the amount of \$300.00 and you began to receive BAH-Diff effective 8 December 2021. The receipts you provided were insufficient to establish that you provided the appropriate amount of support prior to 22 November 2021. Therefore, BAH-Diff was appropriately started once you certified that you were providing child support. The Board determined that you were not authorized to live off base and receive BAH because you were an E-4 sailor with less than 4 years of service, therefore you were only entitled to BAH-Diff. You began to receive BAH at the with dependent rate effective 15 December 2023 in connection with your advancement to IC2/E-5. 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.



