



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

██████████  
Docket No. 10896-23  
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552  
(b) Deputy Chief of Naval Operations memo, 10 Jan 20  
(c) The Joint Travel Regulations (JTR)  
(d) DoD 7000.14-R FMR Volume 7A

Encl: (1) DD Form 149 w/attachments  
(2) Advisory Opinion by OCNO, 7220 Ser N130C4/24U0057, 23 Jan 24  
(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 show Petitioner was authorized Outside the Continental United States (OCONUS) Cost of Living Allowance (COLA), (JP061) with three dependents effective the date his dependents arrived to the new Permanent Duty Station (PDS) in ██████████, that Petitioner received Family Separation Allowance- Ship (FSA-S) for his deployment in 2021, and that Petitioner received Basic Allowance for Housing (BAH) based on his dependents location in ██████████, ██████████ for the period of August 2021 to December 2021.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 9 July 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 20 May 2019, Petitioner was official modification to change duty orders (BUPERS order: ██████████) while stationed in ██████████, ██████████, ██████████ with an effective date of departure of June 2019. Petitioner's ultimate activity was ██████████, ██████████, ██████████ for duty with an effective date of arrival of July 2019 with a projected rotation date (PRD) of July 2022.

b. On 30 June 2019, Petitioner transferred from ██████████, and arrived to ██████████ on 26 July 2019 for duty.

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c. In accordance with reference (b) that, “[i]n line with references (a) [Joint Travel Regulations] and (b) [ASN (M&RA) memo of 23 April 2019], members in receipt of permanent change of station (PCS) orders may be approved for advanced or delayed dependent travel for up to six months when executing PCS orders within the United States. For the purposes of this document, the date of PCS is the date a member leaves the current [PDS] and within the United States refers to moves that originate and end in the Continental United States. Alaska and Hawaii.”

d. In accordance reference (c), Tour Lengths and Tours of Duty OCONUS, “[t]he standard tour length for a DoD Service member stationed OCONUS is 36 months in an accompanied tour and 24 months in an unaccompanied tour. Hawaii and Alaska are exceptions, with a tour length of 36 months for both accompanied and unaccompanied tours. Military Departments or Combatant Commands may provide conclusive evidence that a specific tour must be a shorter tour. Procedures for establishing an overseas tour length are specified in DoDI 1315.18.”

Note: For [REDACTED], the tour length for Accompanied tours is 36 months and the tour length for Unaccompanied tours is 24 months.

e. On 7 April 2021, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of June 2021. Petitioner’s ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of July 2021 with a PRD of July 2023. Additionally, the following is stated:

“Member advised: for members electing an OCONUS unaccompanied tour (see DoD unaccompanied tour length, JTR appendix q), OCONUS dependent restricted tour, or OCONUS unusually arduous sea duty assignment and request a designated place for dependents, the OCONUS CO [Commanding Officer] can authorize the designated place and BAH for those dependents remaining in CONUS, IAW OPNAV policy memo dated 29 Jul 2010.”

“This transfer funded for member and authorized dependents as reflected on service record page two, per JTR Chapter 5.”

“Unit to which ordered is designated, by OPNAVINST 4650.17 (series), as unusually arduous sea duty. For transportation entitlements of dependents and household goods see JTR, par. U5222-D and u5350-D-E.”

“If accompanied orders and not proscribed elsewhere, these dependents can travel [...], spouse, [...], son, and [...], son.”

f. On 23 June 2021, CWT Sato Travel issued Petitioner a Flight Itinerary for his dependents departing on 30 June 2021 from [REDACTED], [REDACTED] and arriving to [REDACTED], [REDACTED] on 30 June 2021.

g. On 25 June 2021, Officer in Charge, [REDACTED], [REDACTED] notified Head, Military Pay and Allowances Branch (N130) via First Endorsement on Petitioner’s letter of 15 June 2021 that, “[f]orwarded, recommending approval. [Petitioner] will be forward deployed with [REDACTED], homeported in [REDACTED], [REDACTED]. [Petitioner’s] family will remain in [REDACTED], [REDACTED] until April 2022, the planned return to homeport for [REDACTED]

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h. On 25 June 2021, Petitioner certified a Dependency Application/Record of Emergency Data (NAVPERS 1070/602) listing his spouse and two children residing at [REDACTED], [REDACTED].

i. On 30 June 2021, Petitioner transferred from [REDACTED].

j. On 21 July 2021, Petitioner's Master Military Pay Account (MMPA) shows Overseas Housing Allowance (BE019) stopped effective on 21 June 2021.

k. In accordance with reference (d), FSA is payable to a member serving in any grade as a member with dependents. The member must meet all general requirements and one of the following conditions:

"FSA-S. The member is on duty aboard a ship, and the ship is away from the homeport continuously for more than 30 days. NOTE: The dependents are not required to reside in the vicinity of the homeport."

"The OCONUS COLA is a non-taxable allowance that offsets the higher prices of goods and services, excluding housing, in foreign countries, U.S. territories, Alaska, and Hawaii. OCONUS COLA equalizes purchasing power so that a Service member can purchase the same level of goods and services OCONUS as he or she could if stationed inside the continental United States (CONUS)."

"A Service member is considered with-dependent if any of the following criteria apply: The Service member is authorized to have a dependent reside at or in the vicinity of the Service member's PDS OCONUS and the dependent resides there."

"The Service member is joined by a dependent or acquires a dependent while serving OCONUS and the dependent is one of the following: Command sponsored and residing with a Service member at an OCONUS location at which an "accompanied by dependents" tour is authorized, the Service member is authorized to serve that tour, and the dependents are authorized by the appropriate authority to be at the Service member's PDS."

l. Petitioner issued an Air Mobility Command itinerary with a departure date of 29 July 2021 from [REDACTED] and arrival to [REDACTED] on 30 July 2021.

m. On 4 August 2021, Petitioner arrived to [REDACTED] for duty.

n. On 13 August 2021, D... D... (Grandfather) signed a [REDACTED], Certification of Residency certifying that Petitioner's children and spouse reside with him at the above listed address ([REDACTED]).

o. On 26 August 2021, Petitioner certified a Dependency Application/Record of Emergency Data (NAVPERS 1070/602) listing his spouse and two children residing at [REDACTED], [REDACTED]. Furthermore, the arrival date to [REDACTED], [REDACTED] is listed as 30 June 2021.

p. On 14 September 2021, PERS-451H notified CTF 70 that, "[r]equest received for [Petitioner] to receive delayed dependent travel for [BAH] based on alternate location, unfortunately we are unable to authorize this request. The Member's dependents relocated to [REDACTED], [REDACTED] which is not a previously authorized designated location for housing allowances. To be authorized a delayed

dependent travel the dependents would have to have remained at the old PDS or requested advanced dependent travel to the new PDS with approval from OPNAV N130 (see attached DCNO memo). There is no authority to pay a housing allowance at an alternate location other than the old or new PDS. (DODFMR Vol 7A CH 26 para 261007 / DCNO Memo DTD 10JAN20).”

q. On 30 September 2021, N1 notified Petitioner that, “[a]ttached is the response from PERS-451H when we requested a delay in dependents for BAH for you after updating your page 2. PERS denied your request as per policy outlined in the attached requiring delay in dependent authorization be at the previous duty station. I truly apologize that we didn't notify you once we received word back from them. That was a failure on our part.”

r. On 5 October 2021, Petitioner signed a Passenger Reservation Request (NPPSC 4650/1) listing his 3 dependents detaching from [REDACTED], [REDACTED] to [REDACTED], [REDACTED] with an arrival date of 22 December 2021.

s. On 8 November 2021, [REDACTED] issued a trip confirmation and receipt listing Petitioner’s dependents’ departure from [REDACTED] on 26 December 2021 and arrival to [REDACTED] on 27 December 2021.

t. On 22 August 2023, Petitioner’s MMPA shows COLA (JP061) with 3 dependents started effective on 1 October 2022.

u. On 15 September 2023, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 15 September 2023 for duty.

v. 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 partial merit. The request for COLA was not addressed.

“Because the member was not approved for DDT [Delayed Dependent Travel] or a designated place of residency in relation to his PCS orders to [REDACTED] located in [REDACTED], [REDACTED] N130C recommends that the Member’s request to receive BAH for [REDACTED], [REDACTED] from 04 August 2021 through December 2021 is denied.” However, Petitioner could have met the requirements of FSA-S as long as he was aboard the ship, and the ship was away from homeport for more than 30 continuous days. The dependents are not required to reside in the vicinity of the homeport.

## 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. The Board concluded that BUPERS Order: [REDACTED] were for a period of 24 months, which is the length of an unaccompanied tour to [REDACTED]. Nevertheless, these orders authorized Petitioner’s dependents travel from [REDACTED] to [REDACTED]. After a period of consecutive overseas tours leave, Petitioner joined his unit while deployed in August 2021, and his dependents arrived in [REDACTED] on 27 December 2021. On 22 August 2023, Petitioner’s MMPA shows COLA (JP061) with three (3) dependents started effective on 1 October 2022. The Board determined that Petitioner executed accompanied orders and his dependents arrived to the new PDS on 27 December 2022, therefore COLA with 3 dependents should have been retroactive to that date vice 1 October 2022. Furthermore, because Petitioner joined his unit while it was deployed, the

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Board determined that Petitioner was authorized to receive FSA-S. However, the exact dates will be determined by Navy Personnel Command (NPC) and the Defense Finance and Accounting Service (DFAS). Finally, the Board determined that reference (b) did not pertain to Petitioner case because his PCS did not originate within CONUS. Additionally, Petitioner's dependents traveled with him from the PDS in [REDACTED], therefore Petitioner's dependents did not delay travel. Thus, the Board determined that BAH at the with dependent location for [REDACTED], [REDACTED] for the period of August 2021 to December 2021 is not authorized.

#### RECOMMENDATION

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

Petitioner was authorized OCONUS COLA (JP061) with three (3) dependents effective the date his dependents arrived to the new PDS in [REDACTED] on 27 December 2021.

Petitioner received FSA-S for his deployment in 2021. NPC will coordinate with the DFAS to determine dates of FSA-S eligibility.

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

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

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.

8/7/2024

