



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

██████████
Docket No. 239-24
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) OPNAVINST 7220.12, 24 Dec 05

Encl: (1) DD Form 149 w/attachments
(2) Petitioner'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 her naval record be corrected to show Petitioner's military debt in the amount of \$15,593.40 was removed and money already paid be reimbursed.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 2 May 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 8 May 2017, Petitioner entered active duty, and on 15 September 2017, Petitioner transferred from ██████████ and arrived to ██████████ on 20 September 2017 for duty.

b. On 31 August 2017, Petitioner was issued official modification to change duty orders (BUPERS order: ██████████) while stationed in ██████████, ██████████, ██████████ with an effective date of departure of July 2017. Petitioner's intermediate (01) activity was ██████████, ██████████, ██████████ for temporary duty under instruction with an effective date of arrival of 9 July 2017. Petitioner's ultimate activity was ██████████, ██████████, ██████████ for duty with an effective date of arrival of 4 October 2017 with a projected rotation date of April 2022.

c. On 15 February 2019, Petitioner initial a Residential Lease/Rental Agreement located in ██████████, ██████████ with a commencement date of 15 February 2019 and termination date of 29 February 2020 with a total monthly rent of \$1,527.00.

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d. On 4 March 2019, Petitioner signed a Special Request/Authorization (NAVPERS 1336/3) requesting permission to retain Basic Allowance for Housing (BAH) in accordance with TRINST 7220.0A due to a divorce. Furthermore, it was certified and approved on 11 March 2019 by cognizant authority.

e. On 4 March 2019, Petitioner signed a BAH Request Form (Submit to PSD Customer Service after approval) referenced by NBCINST 7220.1A of 26 May 2016. Furthermore, it was certified and approved on 11 March 2019 by cognizant authority.

f. Petitioner divorced on 23 April 2019.

g. Petitioner was advanced to RS3/E-4 on 1 September 2019.

h. Petitioner married another Navy service member on 19 December 2019.

i. Defense Finance and Accounting Service (DFAS) issued Petitioner a JUMPS LES Online Inquiry System for the period of 1 February 2020 to 28 February 2020 listing BAH of \$-13,525.45 and advance debt of \$15,593.40. BAH based on without dependents zip code [REDACTED] with the following corrected BAH dates of 24 April 2019, 1 September 2019, and 19 December 2019.

j. On 18 September 2020, Petitioner signed a Waiver/Remission of Indebtedness Application (DD Form 2789) due to debt of erroneous payment of BAH for the period of 24 April 2019 to 18 December 2019 in the amount of \$15,593.40.

k. On 28 October 2020, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 28 October 2020 for duty.

l. On 9 March 2022, Commanding Officer, [REDACTED] notified Commanding Officer, [REDACTED] via First Endorsement on Petitioner's letter of 3 March 2022 that, "Divorce Decree indicates that RS3 [Petitioner's] divorce was finalized on 23 April 2019. She updated her NAVPERS 1070/602 on 23 April 2019 and was advised that she would need to route a Special Request Chit to be entitled to Single [BAH]. BAH Special Request Chit and BAH Request Form, indicate her approved BAH request and she started receiving single BAH from 24 April 2019 to 18 December 2019 for a total amount of \$15,593.40. On 4 February 2020, she received a letter of indebtedness from the Personnel office in the amount stated above. Since March 2020, her pay has been withheld monthly in the amount of \$312.08 to pay off the debt, a debt through no fault of her own. Waiver/Remission of Indebtedness Application indicates that she submitted the Waiver/Remission of Indebtedness Application, which the Personnel office did not process.

Request for an Exception to Policy for [Petitioner] to stop her indebtedness and to be reimbursed for all the previous months that she has paid."

m. On 1 November 2022 Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 30 November 2022 for duty.

n. Petitioner was advanced to RS2/E-5 on 16 May 2023.

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o. On 19 March 2024, Unaccompanied Housing [REDACTED] certified that Petitioner never resided in Unaccompanied Housing Naval Base [REDACTED].

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 although prior to her divorce, Petitioner submitted a request to continue to receive BAH after her divorce, according to reference (b),¹ Petitioner was ineligible to receive BAH after her divorce while still an E-3. On 1 September 2019, Petitioner was advanced to RS3/E-4. Therefore, the Board determined that Petitioner is eligible to receive BAH at the without dependents rate effective 1 September 2019 until 18 December 2019. On 19 December 2019, Petitioner was eligible to receive BAH at the without dependents rate as a member married to another military member.

RECOMMENDATION

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

Petitioner was authorized BAH at the without dependents rate for [REDACTED] [REDACTED] [REDACTED] from 1 September 2019 to 18 December 2019.

Note: DFAS will complete an audit of Petitioner's pay records to determine Petitioner's pay entitlements.

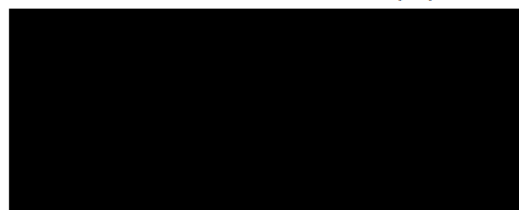
That no further changes be made to Petitioner's naval record.

That a copy of this report of proceedings will 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-entitled 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.

5/20/2024



¹ Reference (b), except as otherwise prescribed in law, local base housing authority dictates the eligibility requirements for E-6 and below members requesting to live in off-base private sector housing. Single shipboard E-3 and below, including those who are claiming dependents solely for the purpose of paying child support are prohibited by law from receiving BAH.