



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

█  
Docket No. 579-24  
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552  
(b) The Joint Travel Regulations (JTR)

Encl: (1) DD Form 149 w/attachments  
(2) Advisory Opinion by OCNO memo 7431 Ser N130C2/24U0562, 24 Jun 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 that Petitioner was authorized Basic Allowance for Housing (BAH) at the with dependent rate for █ for the period of May 2016 to January 2017 and elimination of the debt that the Navy has placed on him.
2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 15 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 9 December 2015, Petitioner was issued official change duty orders (BUPERS order: █) while stationed in █ with an effective date of departure of March 2016. Petitioner's ultimate activity was █ for duty with an effective date of arrival of 15 April 2016 with a projected rotation date (PRD) of April 2019. Furthermore, this transfer funded for member and authorized dependents as reflected on service record page two and other supporting documents. Per JTR U5215, dependents acquired on or prior to the effective date of orders are authorized travel/transportation allowances from the place at which acquired to the new Permanent Duty Station (PDS), up to the travel/transportation entitlement for travel from old PDS to the new PDS. Member advised: for members electing an OCONUS [Outside the Continental United States] 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 can authorize the designated place (and BAH) for those dependents remaining in CONUS, IAW OPNAV Policy Memo dated 29 July 2010.

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b. On 10 February 2016, [REDACTED] notified [REDACTED] of dependent entry approval that, “[c]oncurrent or non-concurrent travel authorized. Estimated report date: 15 Apr 2016. Per refs a [MILPERSMAN 1300-302] thru d [REDACTED] message 091652Z Feb 16], [BUMEDINST 1300.2A], and [OPNAVINST 1300.14D] FEA is granted for spouse [REDACTED], [REDACTED] 18 Aug 2007; daughter [REDACTED], DOB [REDACTED]; daughter [REDACTED]. DOB [REDACTED].”

c. JUMPS LES [Leave and Earnings Statements] for the period of 1 to 28 February 2016 listed the following: Petitioner was authorized BAH at the with dependents rate for [REDACTED].

d. On 9 March 2016, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 15 April 2016 for duty.

e. On 5 April 2016, [REDACTED] drafted a residential lease between Owner and Tenant (Petitioner’s spouse) for 12 months with an ending date of 30 April 2017. Leased Property address is [REDACTED].

f. On 21 April 2016, Petitioner submitted an Electronic Personnel Action Request (NAVPERS 1306/7) requesting the following: “Respectfully request PRD adjustment from April 2019 to April 2018 due to change from accompanied to unaccompanied orders.” Petitioner’s request was approved by cognizant authority on 4 May 2016.

g. On 21 April 2016, CO [REDACTED] issued Petitioner an Administrative Remarks (NAVPERS 1070/613) with the following remarks: “I fully understand the contents of MILPERSMAN 1300308 and desire to make my election of unaccompanied tour within 90 days after I report to my new duty station.” Both Petitioner and Command Career Counselor certified the document.

h. On 18 August 2016, Petitioner submitted an Electronic Personnel Action Request (NAVPERS 1306/7) requesting the following: “Respectfully request PRD adjustment from April 2018 to April 2019 for command sponsorship.” Petitioner’s request was approved by cognizant authority on 8 September 2016.

On 25 August 2016, Petitioner signed an Application for Shipment and/or Storage of Personal Property (DD Form 1299) requesting action be taken to transport or store 6,000 lbs. of Household Goods (HHG) in connection with Orders Number [REDACTED]. Under block 13 (Remarks), you wrote: “consumables est. 0 lbs., Plasma TV POA (Origin) [REDACTED] Releasing Agent (Origin) [REDACTED] POA (Dest) [REDACTED].”

i. On 10 January 2017, CWT Sato Travel issued Petitioner a Flight Itinerary for his spouse and both daughters departing on 23 January 2017 from [REDACTED] and arriving to [REDACTED] on 23 January 2017, and departing on 24 January 2017 from [REDACTED] and arriving to [REDACTED] on 24 January 2017.

j. On 13 January 2017, Petitioner signed a Waiver/Remission of Indebtedness Application (DD Form 2789) due to debt of erroneous payment of BAH in the amount of \$15,498.34. Petitioner’s request was approved by cognizant authority on 21 February 2017.

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k. JUMPS LES for the period of 1 to 28 February 2017 listed the following: Total Indebtedness \$15,498.34. Indebtedness due to cancel BAH effective 15 April 2016.

l. On 29 November 2017, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) while stationed in [REDACTED] with an effective date of departure of December 2017. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 5 December 2017 with a PRD of June 2018. Furthermore, "[m]ember 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 can authorize the designated place (and bah) for those dependents remaining in conus, IAW OPNAV policy memo dated 29 Jul 2010. OPNAV n130 still remains the approving authority for all designated place requests for OCONUS non-foreign locations."

"If accompanied orders and not prescribed elsewhere, these dependents can travel: [REDACTED] spouse, [REDACTED] daughter, [REDACTED] daughter."

m. On 11 December 2017, Petitioner was issued official modification to change duty orders (BUPERS order: [REDACTED]) while stationed in [REDACTED] with an effective date of departure of December 2017. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 15 December 2017 with a PRD of June 2018. Furthermore, "[t]his transfer funded for member and authorized dependents as reflected on service record page two and other supporting documents. Per JTR U5215, dependents acquired on or prior to the effective date of orders are authorized travel/transportation allowances from the place at which acquired to the new PDS, up to the travel/transportation entitlement for travel from old PDS to the new PDS."

n. On 5 January 2018, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 5 January 2018 for duty.

o. On 19 March 2018, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) while stationed in [REDACTED] with an effective date of departure of April 2018. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 13 April 2018 with a PRD of April 2019.

p. On 13 April 2018, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 13 April 2018 for duty.

q. On 19 November 2018, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) with required obligated service to May 2022, while stationed in [REDACTED] with an effective date of departure of April 2019. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 24 May 2019 with a PRD of May 2022.

r. On 22 May 2019, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 21 June 2019 for temporary duty.

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s. On 19 April 2022, Petitioner was issued official retirement orders (BUPERS order: [REDACTED]) while stationed in [REDACTED] with an effective date of departure of May 2022. From temporary duty – pending separation.

t. Petitioner retired with an Honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 15 September 2006 to 27 May 2022 due to Disability, Permanent.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting the following partial corrective action. The Board concluded that on 9 December 2015, Petitioner was issued BUPERS Order [REDACTED] assigning him to [REDACTED], with funding for dependent travel. On 21 April 2016, Petitioner submitted a NAVPERS 1306/7 requesting that his PRD be adjusted due to change from accompanied to unaccompanied orders. Petitioner's request was approved by cognizant authority, and Petitioner continued to receive BAH at the with dependent rate based on his dependents location of [REDACTED]. On 18 August 2016, Petitioner submitted a NAVPERS 1306/7 requesting PRD adjustment from April 2018 to April 2019 for command sponsorship. Petitioner's family arrived in [REDACTED] on 24 January 2017 and Petitioner was issued a debt in February 2017 for overpayment of BAH. Enclosure (2) states, "[t]he Member does not provide documentation that he was approved to receive BAH based on dependent location by the Secretarial Process. Therefore, he was not authorized to receive BAH based on his dependent's location of [REDACTED]..." However, the Board noted that enclosure (2) did not address that Petitioner requested the unaccompanied tour after his orders were executed and that it didn't address the injustice that it wasn't until after Petitioner requested to change the PRD back and his dependents arrived in [REDACTED] that he was indebted for BAH for the unaccompanied period. Due to these unique circumstances, the Board determined that Petitioner will be retroactively approved for delayed dependent travel in order to authorize BAH at the with dependent rate for [REDACTED] [REDACTED] for the period of 15 April 2016 to 23 January 2017. Finally, the Board does not waive debt, therefore, the Defense Finance & Accounting Service (DFAS) will conduct an audit of Petitioner's pay record to determine entitlement.

## RECOMMENDATION

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

Petitioner submitted a request for Delayed Dependent Travel in a timely manner, and it was approved by cognizant authority.

Petitioner was authorized BAH at the with dependents rate for [REDACTED] from 15 April 2016 to 23 January 2017.

Note: That any other entries affected by the Board's recommendation be corrected. Furthermore, the DFAS will complete an audit of Petitioner's pay records to determine amounts due, if any.

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

No further changes will be made to Petitioner's naval record.

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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.

8/22/2024

