



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

██████████  
Docket No. 967-24  
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) DoD 7000.14-R FMR Volume 7A, Chapter 26

Encl: (1) DD Form 149 w/attachments  
(2) 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 remove Dependency Application (NAVPERS 1070/602) effective 17 January 2023 that established residency in ██████████ as his dependent's residence in order to receive the correct Basic Allowance for Housing (BAH) in accordance with the Early Return of Dependents (ERD) authorization.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 11 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 15 March 2021, Petitioner was issued official change duty orders (BUPERS order: 0741) with required obligated service to May 2024, while stationed in ██████████ with an effective date of departure of May 2021. Petitioner's ultimate activity was ██████████ for duty with an effective date of arrival of 28 May 2021 with a projected rotation date of May 2024.

b. On 28 May 2021, Petitioner transferred from ██████████, and arrived to ██████████ on 28 May 2021 for duty.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,  
XXX-XX-[REDACTED]

c. On 6 May 2022, the Commanding Officer, [REDACTED] notified Petitioner that, “[i]n response to reference (a) [Subject’s email dated 4 May 2022], [ERD] is authorized by [JTR 050804]. The early return of your family member(s), as listed below, and shipment of household goods are authorized at government expense in accordance with reference (b) to a designated place.

Name of dependent(s)/Relationship/Age: [REDACTED]

Per [JTR 050804], transportation is authorized at government expense for the command sponsored family members from [REDACTED] to [REDACTED]. Make shipment requests under these circumstances in a timely manner consistent with the circumstances described in reference (a). Contact the local Personal Property Office for assistance with shipment of your household goods.”

d. On 12 September 2022, Petitioner’s spouse was charged \$1,299 for air travel via [REDACTED] departing from [REDACTED] on 18 September 2022 and arriving to [REDACTED] on 18 September 2022.

e. On 20 November 2022, Navy Standard Integrated Personnel System (NSIPS) listed the following address was verified: [REDACTED].

f. On 17 January 2023, Petitioner certified a Dependency Application (NAVPERS 1070/602) listing his spouse’s address, [REDACTED].

g. Eastern Maine Electric Cooperative issued Petitioner a billing statement to a residence in [REDACTED] with a billing date of 14 March 2023.

h. On 15 March 2023, Petitioner certified a Dependency Application (NAVPERS 1070/602) listing his spouses address, [REDACTED] effective 8 March 2023.

i. On 17 March 2023, Petitioner notified JPPSO-NE that the old address was [REDACTED]. New Delivery address is [REDACTED]. Reason for change: Unable to locate suitable housing in or around [REDACTED]. Purchased a home in [REDACTED]. Attached were the ERD orders that the HHG [Household Goods] were shipped on.

j. On 20 March 2023, JPPSO-NE notified Petitioner that his long delivery was approved and contact his TSP [Transportation Service Provider] to schedule release of HHG.

k. On 27 July 2023, Travel Voucher (DO Voucher No. B92816) was prepared and paid on 28 July 2023 with a start date of 18 September 2022 and end date of 8 March 2023, and detach date of 14 September 2021 and report date of 28 September 2021. Advances/Prior Payments: \$44.25, Total Entitlement \$5,773.02, Total Charged to Acct. Class \$5,728.77, Total Amount Payable \$5,728.77, and Due Employee \$5,728.77. Remarks: Supplemental for dependent travel, DLA, airfare and taxi. Member can file supplemental for pet quarantine of \$185 by adding to block 18 of 1351-2.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,  
XXX-XX-[REDACTED]

l. On 6 December 2023, TSC [Transaction Service Centers] [REDACTED] notified Petitioner's command that, "[r]egarding Salesforce [REDACTED], when the dependent moved from [REDACTED] to [REDACTED], member's BAH entitlement was switch from [REDACTED] to [REDACTED] rate. That is the correct BAH entitlement for the member during that period because that is where the dependent resides. He is not entitled to [REDACTED] rate because dependent resides in [REDACTED] even on temporary basis. When the dependent moved again from [REDACTED] to [REDACTED], member's BAH was switched to [REDACTED] rate. Again, its's the correct BAH entitlement because the dependent resides now in [REDACTED]. In summary member's BAH entitlement was based on where the dependent resides during a particular period."

m. On 28 December 2023, PERS-451H notified Petitioner that, "[t]he housing allowance requirements for ERD can be found in DODFMR Vol 7 A, Chapter 26 paragraph 10.8.1.2. Based on the circumstances you've described, if dependents established a residence in [REDACTED], this would be where the housing allowance would be authorized and there is no authority to authorize any additional locations in accordance with DODFMR Vol 7A Chapter 26, paragraph 10.4.6. If dependents did not establish a residence in [REDACTED] then BAH based on [REDACTED] would continue until the dependents established a residence.

With respect to TSC [REDACTED] Statement, "[i]n summary, member's BAH entitlement was based on where the dependent resides during a particular period." This is an incorrect statement. BAH is established in accordance with Title 37 and DODFMR Vol 7A, Chapter 26. BAH is not an entitlement that can change based on dependents desires to relocate once it is established, as there is no authority to relocate BAH. If [REDACTED] was established, this would remain the BAH location until you detach your current command.

It is important to note that it is not typical for service members to update their NAVPERS1070/602 while members/dependents are in transit to a final destination. If you updated your NAVPERS 1070/602 establishing [REDACTED] as a residence for your dependents, this would be the date housing allowances would typically shift as the permanent residence was established and BAH based on dependent location would begin. Furthermore, since government quarters are available at your PDS [Permanent Duty Station], you are not entitled to FSH-0 [Family Separation for Housing] or FSH-B for [REDACTED]. If this update was done in error, it is recommended that you petition BCNR to remove this document and replace with the appropriate document.

This interpretation is based solely on the information provided below and the regulation. Your servicing TSC would have the appropriate information (NAVPERS 1070/602 and travel claim) to make the exact determination on when entitlements would start/stop, and I would defer to them for those effective dates."

n. On 30 September 2024, NSIPS listed the following address was verified: [REDACTED].

o. In accordance with reference (b), when all of a Service member's dependents return from a PDS OCONUS [Outside the Continental United States] at Government expense not due to a PCS, regardless of the reason for the return, the Service member is authorized a housing

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,  
XXX-XX-[REDACTED]

allowance at the with-dependent rate based on the dependent's permanent residence location effective on the arrival day or the date the ERD order was issued, whichever is later. OHA [Overseas Housing Allowance], or BAH in [REDACTED] or [REDACTED], at the with-dependent rate for the Service member's PDS OCONUS stops on the day before the day the rate for the dependent's permanent residence starts.

Whether or not a Service member is assigned family Government quarters: If the dependent's location is in a BAH area, start with dependent BAH based on dependent residence location as of the dependent's arrival date or the date the ERD order was issued, whichever is later.

## 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 injustice warranting the following corrective action. The Board concluded that Petitioner's commanding officer authorized ERD for Petitioner's spouse to return to CONUS from the PDS in [REDACTED] to [REDACTED] as a designated place. Petitioner's spouse departed [REDACTED] on 18 September 2022. Petitioner's spouse resided with family in [REDACTED] while she looked for housing in [REDACTED]. Petitioner erroneously signed NAVPERS 1070/602 stating her residence was in [REDACTED] and his BAH entitlement was established for that location. Petitioner's BAH was adjusted several times, ultimately resulting in a debt. The Board determined that Petitioner's spouse was in a travel status from the time of departure from the PDS in [REDACTED] until she established a residence in [REDACTED] on 8 March 2023. This is based on the ERD approval letter approving [REDACTED] as a designated place, the approval to have Petitioner's HHG delivered to her new address, the travel settlement submitted for the period of 18 September 2022 to 8 March 2023, and the NAVPERS 1070/602 certified on 15 March 2023 updating Petitioner's spouse's address to [REDACTED] effective 8 March 2023. The determined that the Defense Finance Accounting Service (DFAS) will audit Petitioner's BAH and adjust his entitlement based on the established residence of Petitioner's spouse.

## RECOMMENDATION

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

Petitioner certified a Record of Emergency Data (DD Form 93) on 17 January 2023 listing his spouse's address as [REDACTED].

Petitioner's Dependency Application (NAVPERS 1070/602) certified on 17 January 2023 is null and void.

The DFAS will audit Petitioner's BAH and adjust entitlements based on the established residence of Petitioner's spouse and determine amounts due, if any.

Note: That any other entries affected by the Board's recommendation be corrected. Navy Personnel Command/DFAS will reevaluate travel claim reimbursements and BAH entitlement.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,  
XXX-XX-[REDACTED]

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 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.

8/3/2024

[REDACTED]

Deputy Director

Signed by: [REDACTED]