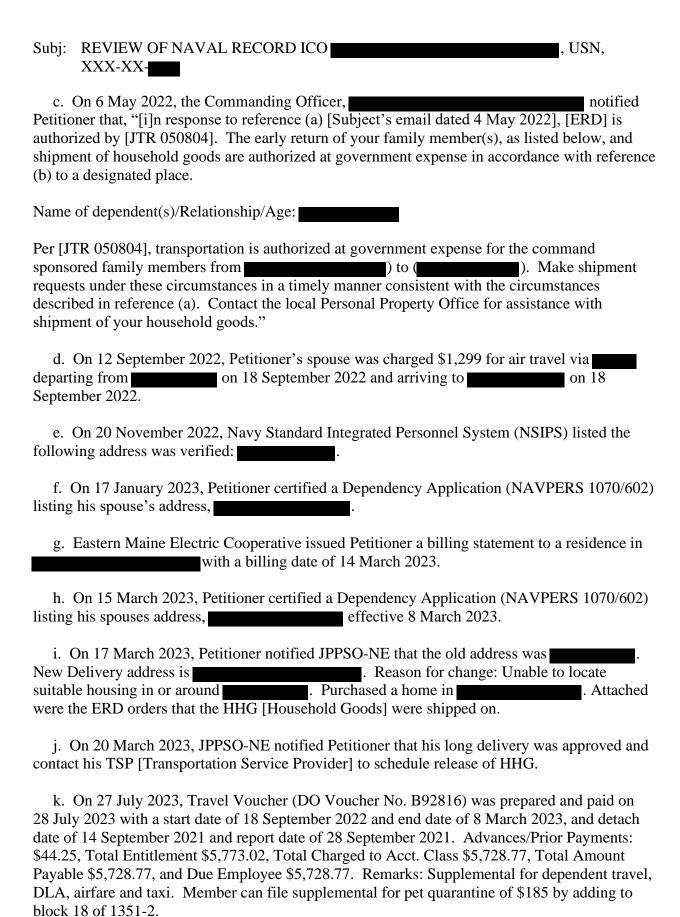


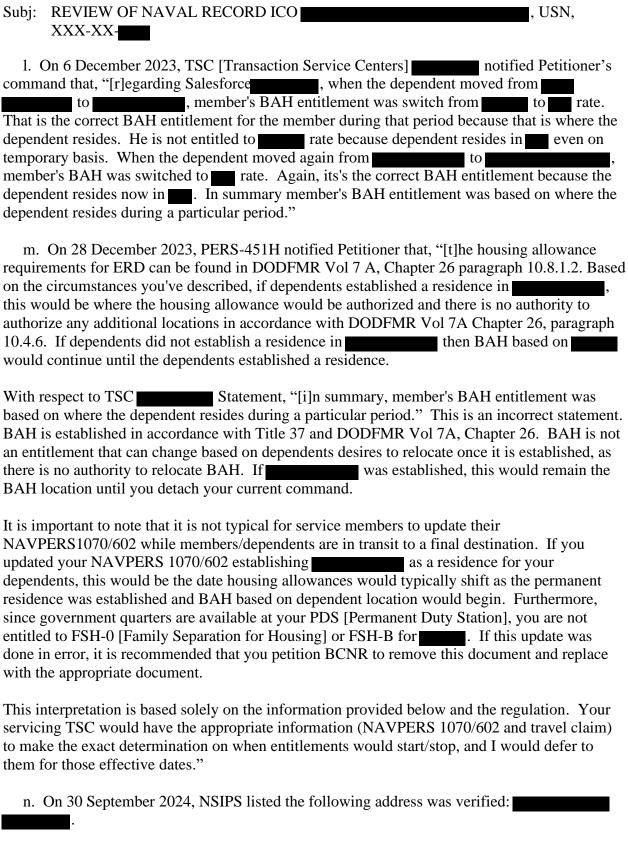
## **DEPARTMENT OF THE NAVY**

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

> Docket No. 967-24 Ref: Signature Date

From: To:	Chairman, Board for Correction of Naval Records 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:	<ul><li>(1) DD Form 149 w/attachments</li><li>(2) Subject's naval record</li></ul>		
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, and arrived to, on 28 May 2021 for duty.		





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



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 or 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**

## 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

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	,	USN.
	XXX-XX-		

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
Deputy Director	
Signed by:	