



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

[REDACTED]
Docket No. 2211-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN, [REDACTED] 1

Ref: (a) Title 10 U.S.C. § 1552
(b) NAVADMIN 101/10, 19 Mar 10

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 show Petitioner was authorized to receive Basic Allowance for Housing (BAH) at previous Permanent Duty Station (PDS) under the provisions of close proximity move.

2. The Board, consisting of [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 28 March 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 19 April 2020, Petitioner signed a Dependency Application (NAVPERS 1070/602) listing his spouse's address of [REDACTED].

b. On 28 December 2023, Petitioner was issued official change duty orders (BUPERS order: 3623) with required obligated service to January 2027, while stationed in [REDACTED] with an effective date of departure of January 2024. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of 31 January 2024 with a Projected Rotation Date of January 2027. Members who receive permanent change of station orders when their old and new PDS are within close proximity to each other (based on a reasonable commute determined by the gaining commanding officer (CO) may be eligible to receive a close proximity waiver and receive BAH based on their old PDS location. See NAVADMIN 101/10 for waiver eligibility requirements and procedures.

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c. On 10 January 2024, Petitioner notified Commander, Navy Personnel Command (PERS-407) via [REDACTED] that, “[i]n accordance with Title 37 U.S.C., DoD 7000.14-R, NAVADMIN 101/10, and BUPERS ORDER: 3623, I am requesting to maintain BAH at my previous PDS. Upon reporting to your command, I will have maintained a continuous residence at [REDACTED] and intend to continue residing there for the duration of my tour. The commuting distance from my residence to your command is 45 miles and takes approximately 53 minutes one way. I fully understand that with your approval of my request, I will have the funding for a household goods move removed from my orders and the authorization to move my family at government expense revoked. Additionally, I realize that if I move my residence at my own expense, I will forfeit the right to receive BAH based on my previous PDS and my BAH rate will be reverted to my current duty location. I understand that any obligated service that would have been associated with a funded move still applies, and that I am expected to complete that obligated service.”

d. On 18 January 2024, [REDACTED] notified Commander, Navy Personnel Command (PERS-407) via First Endorsement on Petitioner’s letter of 8 January 2024 that “[t]he requesting service member is authorized to receive BAH based on their previous PDS. Please remove the funding for household goods (HHG) move from the members orders and re-issue those orders. The member established a residence prior to the date the member’s orders were issued, the member will be commuting daily to their new PDS and the commuting distance is reasonable for this geographic location. With the removal of the funding for a HHG move, the member realizes they have forfeited the authorization for the government to fund a move. The member will forfeit the right to receive BAH based on their previous PDS if the member moves their residence at their own expense. As indicated in the request, the member acknowledges that any obligated service associated with these orders must still be completed.”

e. On 22 January 2024, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 26 January 2024 for duty.

f. On 29 January 2024, Petitioner’s BAH at the with-dependents rate for [REDACTED] stopped effective 25 January 2024 and BAH at the with-dependents rate for [REDACTED] started on 26 January 2024.

g. On 28 March 2024, [REDACTED] notified the Board that Petitioner’s last government move was in 2019.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that Petitioner completed the requirements listed in reference (b) to qualify for BAH based on their previous PDS under the provisions of a close proximity move and his gaining CO recommended approval of his request. However, due to the short amount of time from orders issuance to execution, an orders modification removing the funding for a HHG move could not be completed.

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RECOMMENDATION

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

Petitioner's request for a close proximity move was approved by cognizant authority prior to executing orders (BUPERS order: 3623).

Petitioner's BAH at the with-dependents rate for "[REDACTED]" vice [REDACTED] [REDACTED]" started on 26 January 2024. Note: If Petitioner moves from his residence, he will no longer be authorized BAH at the old PDS.

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.

4/7/2024

