



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

█
Docket No. 2302-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █, USN,
█

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 Basic Allowance for Housing (BAH) at the previous permanent duty station (PDS) under the provisions of close proximity move.
2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 18 April 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 23 November 2020, Petitioner transferred from █, and arrived to █ on 19 January 2021 for duty.
 - b. On 15 May 2023, Petitioner signed a Dependency Application (NAVPERS 1070/602) listing his spouse's address of █, █, █.
 - c. On 6 September 2023, Petitioner was issued official change duty orders (BUPERS order: 2493) with required obligated service to February 2027, while stationed in █, █, █ with an effective date of departure of January 2024. Petitioner's ultimate activity was 1st █, █ for duty with an effective date of arrival of 14 February 2024 with a projected rotation date of February 2027. This transfer funded for member and authorized dependents as reflected on service record page two and other supporting documents.
 - d. On 3 January 2024, Commanding Officer, █ Medical Battalion notified Commander, Navy Personnel Command (PERS-407) via First Endorsement on Petitioner's letter of 21 December 2023

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

that, “[i]n accordance with Title 37 U.S.C. Chapter 7 (Section 403), JFTR Chapter 10, NAVADMIN 026/09, and Ser N130C, the requesting service member is authorized to receive BAH based on their previous PDS. Please remove the funding for HHG [household goods] move from the members orders and reissue 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 12 January 2024, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 9 February 2024 for duty.

f. On 12 February 2024, MyNavy Career Center (MNCC) notified Petitioner that, “1306 request for BAH for close proximity move returned without action. Member is ACC (Accounting Category Codes) 400 (System generated when loss from on bound activity processed). All late requests must be sent to BCNR for review and approval.”

g. On 15 February 2024, Petitioner’s BAH at the with-dependents rate for [REDACTED], [REDACTED] stopped effective 8 February 2024 and BAH at the with-dependents rate for [REDACTED], [REDACTED] started on 9 February 2024.

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 on 3 January 2024, Petitioner’s gaining command notified Navy Personnel Command (PERS-407) that they requested to remove the funding for HHG move from Petitioner’s orders and reissue those orders for authorization to receive BAH based on the previous PDS. Petitioner established a residence prior to the date orders were issued, he will be commuting daily to his new PDS, and the commuting distance is reasonable for the geographic location. The Board determined that Petitioner met the requirements listed in reference (b), however Petitioner’s orders were not modified prior to the execution of those orders and Petitioner began to receive BAH based on the new PDS.

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: 2493).

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

Petitioner's BAH at the with-dependents rate for "[REDACTED], [REDACTED]" vice "[REDACTED], [REDACTED]" started on 9 February 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.

5/5/2024

