

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

> Docket No. 2550-24 Ref: Signature Date

## Dear

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 17 October 2024. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies. In addition, the Board considered the advisory opinion contained in Office of the Chief of Naval Operations memorandum \_\_\_\_\_\_\_, which was previously provided to you for comment.

On **Constant**, you entered active duty. On **Constant**, your dependent child was born, and you were married on **Constant** and divorced on **Constant**.

On the signed a Dependency Application/Record of Emergency Data (NAVPERS 1070/602) listing your child residing at the signed at the signed support in the amount of \$300.00. Name of Custodian other than Claimant: [].

On a signed a Dependency Application/Record of Emergency Data (NAVPERS 1070/602) listing your child residing at a signed a providing support in the amount of \$300.00. Name of Custodian other than Claimant:

On	, you transferred from		and arrived to		on
fo	or temporary duty. On		, you transfe	erred from	
and arrived to	C	on	for duty.		

On , you tra	insferred from	and arrived to
on for dut	y. On , you	our Basic Allowance for Housing (BAH) at the
without-dependent rate f	or	stopped. Furthermore, on your
BAH at the without-depe	endent rate for	started.

On \_\_\_\_\_\_, your Record of Emergency Data (DD Form 93) listed your child resided at \_\_\_\_\_\_. Updated due to increase of child support from \$300.00 to \$550.00. On you were authorized BAH at the with-dependent rate for \_\_\_\_\_\_.

effective

You requested BAH at the dependent rate from the Board in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that you were paying child support since Furthermore, you met the requirements for BAH-differential (BAH-Diff) and were authorized to live off base, therefore you are entitled to BAH at the with-dependent rate. However, the Board , your child was born and for you to have been eligible to concluded that on receive BAH at the with-dependent rate, you would have had to be paying support in an amount equal to or more than the applicable BAH-Diff rate. There is no evidence in your record that you signed a NAVPERS 1070/602 listing your child as your dependent or that you were paying support until . There is no court order requiring support, nor did you provide a notarized statement from your child's mother confirming that you have paid support for the time period you claim. You have provided bank statements showing payments to who the Board assumed is the mother of your child, however that is not an official, legal document that reflects child support payments and is insufficient to validate your request. Finally, your Master Military , you were authorized BAH at the with-dependent rate Pav Account shows that on . The Board determined that without for effective sufficient documentation, no further relief is warranted. In this connection, the Board substantially concurred with the comments contained in the aforementioned advisory opinion.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

