



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

██████████  
Docket No. 2872-24  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████  
XXX XX ██████████ USMCR

Ref: (a) Title 10 U.S.C. § 1552  
(b) MCO 7220.56A, 31 Aug 15

Encl: (1) DD Form 149 w/attachments  
(2) Advisory Opinion by HQMC memo 1330 MMIB-3, 22 May 24  
(3) 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 that Petitioner received Basic Allowance for Housing (BAH) at with dependent rate for dependent location zip code 92505 from 29 March 2021 to 29 November 2021.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 1 August 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. In accordance with reference (b), Accompanied Orders - Delay of Family Member Travel, General Considerations. Marines should submit requests via his/her chain of command as soon as permanent change of station orders (PCSO) are received but prior to execution of those orders. Requests from Marines who have already executed PCSO will not normally be considered eligible for approval. When a delay of dependent travel is approved, the BAH rate is continued for the current authorized BAH location rate. Delay of Dependent Travel Outside the Continental U.S. (OCONUS)/Remote Continental U.S. (CONUS). A Marine may elect to delay dependent travel following his/her execution of PCSO to a new permanent duty station (PDS) located OCONUS or to a remote CONUS location (to include Alaska and Hawaii). The Marine must specifically request deferred or delayed travel of his/her dependents via his/her chain of

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command to Commandant of the Marine Corps (CMC) [REDACTED]). In order to qualify for consideration, the Marine shall initiate his/her request within 20 days of receipt of PCSO. Requests submitted beyond this time frame will not normally receive a favorable endorsement from CMC [REDACTED]

b. On 26 February 2018, Petitioner entered active duty for 4 years with an End of Current Contract of 25 February 2022.

c. On 21 November 2018, Petitioner got married.

d. On 29 December 2018, Petitioner joined [REDACTED] for duty.

e. On 12 January 2021, Petitioner's First Term Active-Duty Extension w/Overseas Extension (Tour Conversion) was submitted and approved by Headquarters, U.S. Marine Corps (HQMC) on 28 January 2021. "Tour conversion approved Unaccompanied to accompanied approved Adjust RTD to 01/28/2024 RTD will be adjusted by local IPAC after SNM accepts RELM authority. SNM is approved for a 60-day delay of dependent travel in conjunction with BAH effective on the approval date of this request. Travel claim must be submitted 10 days after SNM returns from leave status. You are authorized to use your original orders to fund your family's travel."

f. On 11 February 2021, Medical Officer, [REDACTED] notified Commanding Officer, [REDACTED] that, "[Petitioner], is a patient that has been evaluated and due to medical concerns Marine had surgery on 09 FEB 2021. Following the surgery Marine is recommended to execute 30 days convalescent leave and return to the appropriate medical treatment facility before the conclusion of his convalescent leave for further evaluation."

g. Petitioner's LES for the period of 1 to 28 February 2021 listed a period of annual leave taken from 18 January 2021 to 8 February 2021.

h. On 4 March 2021, Commanding Officer, [REDACTED] notified Commanding Officer, [REDACTED] that, "[t]he following assessment is submitted to assist the Commanding Officer of [REDACTED] in the determination of transferring subject named service member to [REDACTED]."

"[Petitioner] went to [REDACTED] on annual leave on the basis of humanitarian reasons. During his leave he fractured his ankle severely and required critical care. Post surgery we were able to have SNM seen by Orthopedic clinic in [REDACTED] and in their evaluation, they recommended a period of recovery time longer than 30 days prior to flying back to [REDACTED]. [REDACTED] is the best place for [Petitioner] because he will have appropriate military leadership and easy access to required medical care in order to best prepare him for travel and return to a full duty status."

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i. On 19 March 2021, Commanding Officer, [REDACTED] notified Commanding Officer, [REDACTED] on that, “[p]er the reference. [Petitioner] referral package: has been thoroughly reviewed by the [REDACTED] [...] Staff. Based upon the treatment needs and recommendations made by your command and the health care providers, [Petitioner] has been accepted for attachment to WWBn (West) for Temporary Additional Duty (TAD) for a period of 60 days.

It is requested that your command issue the appropriate TAD orders to [Petitioner]. The orders should direct that [Petitioner] report at 0800 on 22 March 2021 to: Commanding Officer, [REDACTED] [...]”

j. On 22 March 2021, Petitioner was attached to [REDACTED] [REDACTED] for TAD excess, and TAD was terminated on 22 October 2021.

k. Petitioner’s LES for the period of 1 to 30 April 2021 listed BAH at the with dependents rate stopped effective 29 March 2021.

l. On 29 November 2021, Department of the [REDACTED] issued Petitioner a memorandum notifying him that he was assigned to Family Housing effective 30 November 2021.

m. On 2 December 2021, CWT Sato Travel issued Petitioner a Flight Itinerary for his spouse departing on 9 December 2021 from [REDACTED] and arriving to [REDACTED] on 9 December 2021.

n. Petitioner was issued a Travel Sheet itinerary with a departure date of 10 December 2021 from [REDACTED] International and arrival to [REDACTED] on 11 December 2021.

o. On 29 June 2022, Commanding Officer, [REDACTED] notified Commandant of the Marine Corps [REDACTED] (First Endorsement on Petitioner’s AA Form of 26 April 2022) that, “[f]orwarded, recommending approval.

[Petitioner] is requesting a [BAH] waiver from May 2021 to December 2021 while living with his wife in [REDACTED]. He was stationed in [REDACTED] Unaccompanied and was approved for a tour conversion in January 2021. In May, he traveled to the United States and broke his ankle, resulting in assignment to [REDACTED] in [REDACTED] [REDACTED]. He returned to [REDACTED] with his wife in December 2021. [Petitioner] is requesting [BAH] waiver from May 2021 through December 2021.”

p. On 13 February 2023, Petitioner’s dependent child was born.

q. On 13 September 2023, Commanding Officer, [REDACTED] notified Commandant of the Marine Corps [REDACTED] (Second Endorsement on Petitioner’s AA Form of 16 August 2023) that, “[f]orwarding, recommend approval.

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[Petitioner] is requesting a Delayed Dependent Travel Waiver from May 2021 to December 2021 while living with his wife in [REDACTED]. [Petitioner] was stationed in [REDACTED] Unaccompanied and was approved for a tour conversion in January 2021. In May 2021, [Petitioner] travelled to the United States and broke his ankle resulting in a reassignment to Wounded Warriors Battalion in [REDACTED]. During his time at [REDACTED]. [Petitioner] did not receive BAH or Overseas Housing Allowance (OHA). [Petitioner] and his wife returned to [REDACTED] in December 2021, where he began receiving OHA.”

r. On 28 October 2023, Petitioner transferred, and join [REDACTED] ) for duty pending separation.

s. On 1 November 2023, [REDACTED] notified Petitioner that, “[w]e understand you had a tour conversion with an automatic 60-day delay. This request would fall under an Extension for Delayed Dependent Travel. Please provide supporting documentation, as mentioned above, to be included in your package.”

t. On 16 February 2024, Petitioner was reduced to Corporal/E-4.

u. On 25 February 2024, Petitioner was separated from active duty and transferred to the Marine Corps Reserve.

v. In the advisory opinion, attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner’s application has commented to the effect that the request has merit and warrants favorable action.

## 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 28 January 2021, Petitioner’s request for tour conversion from unaccompanied to accompanied with tour extension was approved by HQMC. At the time of approval, Petitioner was on leave in [REDACTED]. Petitioner was authorized DDT to his PDS in [REDACTED] for 60 days, however he injured his ankle and required surgery and follow up care. Based upon the treatment needs and recommendations made by his command and the health care providers, Petitioner was accepted for attachment to [REDACTED] for TAD for a period of 60 days. Petitioner’s BAH at the with dependent rate for [REDACTED] was stopped on 29 March 2021 after the 60 days DDT authorization expired. Petitioner’s wife arrived to [REDACTED] a on 11 December 2021. The Board determined that due to the unique circumstances and timing of events, and the fact that Petitioner was not counseled that he needed an Extension of Delayed Dependent Travel, Petitioner did not receive BAH at the with dependent rate for [REDACTED] 92505 from 30 March 2021 to 29 November 2021.

## RECOMMENDATION

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

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Petitioner submitted a request for Extension of Delayed Dependent Travel in a timely manner and it was approved by cognizant authority.

Petitioner was authorized BAH at the with-dependent rate for [REDACTED] from 30 March 2021 to 29 November 2021.

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.

8/12/2024

