



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

█  
Docket No. 2998-24  
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 27 August 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 Headquarters, United States Marine Corps (HQMC) memorandum 1070 MPO of 8 April 2024, which was previously provided to you for comment.

On 26 April 2021, you were issued Marine Corps Basic Order (Modification) for involuntary assignment to report no later than 12 May 2021 to █  
█ for aviation command and control commons course (AC2CC) followed by Air Defense Control Officer Course (ADCOC) Program Course for a period of about 12 wks.  
█: upon completion of training direct SNO report no later than 30 Sep 2021 to co █ for duty.

On 4 May 2021, you transferred from █, and joined █  
█ on 13 May 2021 for training.

On 30 August 2021, you transferred from █, and joined to █  
█ on 25 September 2021 for duty.

On 27 June 2023, you signed a Notification of Intent to Vacate Off-base Rental with an effective date of 15 August 2023 due to receiving orders assigning you off-island.

On 28 June 2023, you were issued Marine Corps Basic Order (Modification) for involuntary assignment to report no later than 31 Jul 2023 to ██████████ for duty.

On 22 July 2023, you transferred from ██████████, and joined to ██████████ on 23 July 2023 for duty.

U.S. Marine Corps Leave and Earnings Statements for the period of 1 July 2023 to 31 July 2023 listed both Overseas Cost-of-Living Allowance/Overseas Housing Allowance stopped on 21 July 2023.

On 27 October 2023, ██████████ notified Disbursing Office that, "██████████ was selected to become the Aide-de-Camp for the ██████████ after an extremely selective process. However, due to the orders and Distribution Management processes and timelines, ██████████ was required to pay out of pocket for housing in ██████████ from 22 July to 16 August 2023 totaling \$1,211.52 due to no fault of her own."

"The purpose of this document is to provide detailed information to demonstrate that ██████████ rates full reimbursement of all out-of-pocket ██████████ housing costs..."

"██████████ orders were modified to a July 2023 report date due to the Deputy Commander's operational requirements."

"I strongly recommend this request to be approve. As a dedicated and professional Marine Officer, ██████████ executed orders despite the obstacles and challenges she encountered. Anything less than full reimbursement would be unacceptable."

Lessor's Statement for Off-Base Rental Clearance was certified by ██████████ with a Lease Contract of 6 September 2022 to 16 August 2023. Furthermore, FMO cleared on 15 September 2023.

On 21 December 2023, Deputy Director, Manpower Plans and Policy Division, Manpower and Reserve Affairs notified you that, "[i]n accordance with reference (a) [37 U.S.C. section 403] and (b) [Department of Defense Financial Management Regulation (DoDFMR) Vol 7A Chap 26], your request in enclosure (1) is returned disapproved. Considering the facts pertaining to your circumstances, there is no exception to policy that could be authorized to reimburse a housing allowance while simultaneously occupying government quarters.

In accordance with reference (a) [37 U.S.C. section 403], except as otherwise provided by law, a member of a uniformed service who is assigned to quarters of the United States or a housing facility under the jurisdiction of a uniformed service appropriate to the grade, rank, or rating of the member is not entitled to a housing allowance.

In accordance with reference (b) [DoDFMR Vol 7A Chap 26], assignment to Government quarters affects a Service member's eligibility for Basic Allowance for Housing/Overseas Housing Allowance. A housing allowance, other than [Basic Allowance for Housing (BAH)] BAH- Partial, is not authorized for a service member who is assigned to Government quarters appropriate to the Service member's grade, rank, or rating.”

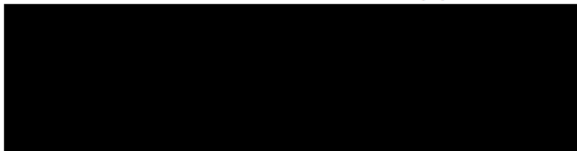
On 8 April 2024, HQMC notified this Board via aforementioned advisory opinion that, “[c]onsidering the facts pertaining to ██████████ circumstances, there is no exception to policy that could be authorized to reimburse a housing allowance while simultaneously occupying government quarters.”

You requested full reimbursement of all out-of-pocket ██████████ housing costs totaling \$1,211.52, 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 are an exception to policy due to the fact that a housing allowance, other than BAH-partial is not authorized when individuals are assigned to government quarters. However, the Board concluded that on 21 December 2023, you were informed by HQMC that based on 37 U.S.C. Section 403 and the DoDFMR, your request for an exception to policy request was disapproved because there is no exception to policy that could be authorized to reimburse a housing allowance while simultaneously occupying government quarters. In this connection, the Board substantially concurred with the comments contained in the aforementioned advisory opinion and similarly agreed that this Board has no authority to grant an exception to policy.

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.

Sincerely,

9/3/2024



Deputy Director

Signed by: ██████████