



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

██████████
Docket No. 3586-24
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) DoD 7000.14-R FMR Volume 7A, Chapter 26

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by OCNO memo 7431 Ser N130C2/24U0791, 3 Sep 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 her naval record be corrected to show that Petitioner received Basic Allowance for Housing (BAH) at the without dependent rate from March 2019 to 4 May 2019 for ██████████, ██████████.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 3 October 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 27 August 2013, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 26 August 2027.

b. On 1 October 2015, Petitioner signed an agreement to extend enlistment for 3 months with a Soft EAOS of 26 November 2027 in order to incur sufficient obligated service to execute BUPERS order 2575.

c. On 16 April 2016, Petitioner was advanced to PR2/E-5.

d. On 2 December 2016, Petitioner got divorced.

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e. On 5 May 2017, Petitioner reenlisted for 2 years with an EAOS of 4 May 2019.

f. JUMPS LES [Leave and Earnings Statements] for the period of 1 to 31 May 2018 listed the following: Petitioner was receiving BAH at the without dependents rate for [REDACTED], [REDACTED].

g. On 13 June 2018, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 13 June 2018 for duty.

h. JUMPS LES [Leave and Earnings Statements] for the period of 1 to 31 July 2018 listed the following: Petitioner continued to receive BAH at the without dependents rate for [REDACTED], [REDACTED].

i. In accordance with reference (b), Table 26-47. Housing Allowance for Service Members in Transit for Final Discharge, Separation, or Retirement. Rule 1. If the Service member is processing for separation or retirement from a PDS in the United States, then continue BAH based on the old PDS through the date of separation or effective date of retirement.

j. On 17 January 2019, Petitioner issued official separation orders (BUPERS order: 0179) while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of March 2019. Place elected for travel: [REDACTED], [REDACTED] with an actual date of separation of 4 May 2019.

k. JUMPS LES [Leave and Earnings Statements] for the period of 1 to 31 January 2019 listed the following: Petitioner was receiving BAH at the without dependents rate for [REDACTED], [REDACTED] stopped on 17 January 2019. Furthermore, Petitioner begin to receive BAH Partial.

l. On 15 March 2019, Petitioner's Reporting Senior signed a Regular Evaluation Report and Counseling Record for Petitioner for the period of 14 June 2018 to 15 March 2019. This was a Periodic regular report. Furthermore, the following Primary/Collateral/Withstanding duties: Aviation Life Support Systems Technician-9. Performed intermediate level maintenance on Aviation Life Support Systems (ALSS) in support of [REDACTED] embarked aircraft flight operations. COLL: ALSS Program Manager, Training PO, ICRL PO, IMRL PO, TOOL PO-3. WATCH: Shore Patrol-9. PFA: 18-1/18-2. LV/TEM DU: 11Jan19-15Mar19.

m. JUMPS LES [Leave and Earnings Statements] for the period of 1 to 30 April 2019 listed the following: Petitioner was authorized BAH at the without dependents rate for [REDACTED], [REDACTED] started 13 March 2019.

n. On 4 May 2019, Petitioner was separated from active duty.

o. 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 if Petitioner can show that she was authorized BAH at the without dependents rate for [REDACTED], [REDACTED] prior to the requested period and during the requested period.

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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 provided documentation showing that she received BAH at the without dependents rate for [REDACTED] [REDACTED] both prior to and during the requested period, therefore, she was entitled to receive BAH at the without dependents rate for [REDACTED], [REDACTED]. Additionally, Petitioner was issued official separation orders on 17 January 2019 and Petitioner's BAH entitlement erroneously changed from without dependents to Partial on 17 January 2019 and it was changed again to [REDACTED], [REDACTED] on 13 March 2019. In accordance with enclosure (2), although the [REDACTED] was completing an availability period in [REDACTED], [REDACTED], the official homeport of the ship remained [REDACTED], [REDACTED]. The Board determined that because Petitioner was in processing for separation, in accordance with reference (b), Petitioner was entitled to continue to receive BAH at the without dependents rate for [REDACTED], [REDACTED] from 17 January 2019 until her separation on 4 May 2019.

RECOMMENDATION

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

Petitioner was authorized BAH at the without dependents rate for [REDACTED], [REDACTED] from 17 January 2019 through 4 May 2019.

Note: The Defense Finance and Accounting Service will complete an audit of Petitioner's pay records to determine amounts due, if any.

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.

10/22/2024

