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DEPARTMENT OF THE NAVY

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

> Docket No. 3684-24 Ref: Signature Date

Dear

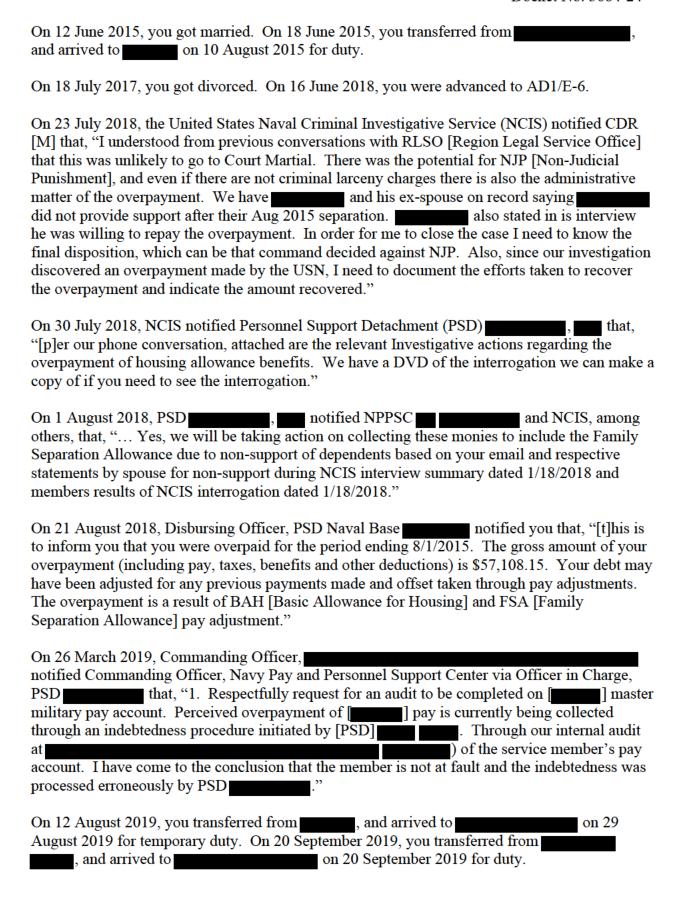
This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found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

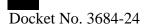
Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 26 September 2024. The names 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.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

On 9 September 2008, you entered active duty. On 16 June 2013, you were advanced to AD2/E-5.

On 19 February 2015, you were issued official cl	hange duty orders (BUPERS order: 0505) while
stationed in ,	, with an effective date of departure of
June 2015. Your intermediate (01) activity was	
for temporary duty under instruction with an	effective date of arrival of 18 July 2015. Your
ultimate activity was , , , , , ,	for duty with an effective date of arrival of 9
August 2015 with a projected rotation date of August 2019.	





On 23 March 2022, you were issued official separation orders (BUPERS order: 0822) while stationed in the sta

You were discharged with an honorable character of service and was issued a DD Form 214, Certificate of Release or Discharge from Active Duty for the period of 9 September 2008 to 12 September 2022 upon completion of required active service.

The Defense Finance and Accounting Service (DFAS)-IN/Debt and Claims notified you with a billing date of 6 January 2023 that Previous balance was \$33,972.52, and Interest Charged was \$28.43. Furthermore, "[d]ebt is due to the remaining balance of a debt that posted to your account for collection prior to the month you separated. The debt remaining on your account is as follows: basic allowance for quarters debt."

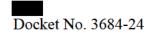
You requested relief of debt due to BAH and FSA pay adjustment, the Board in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that "[b]ecause I was married and entitled to dependent BAH from the 12th of June 2015 until the 18th of July 2017, the debt resulting from the BAH and FSA pay adjustment is invalid." However, the Board concluded that in accordance with the Joint Travel Regulations, a member who fails to support a dependent on whose behalf a housing allowance is received is not authorized a housing allowance on that dependent's behalf. Recoupment is directed for nonsupport or inadequate support periods. The emails you submitted in support of your claim detail the actions taken by NCIS and PSD North Island to collect the overpayment. NCIS stated that they have you and your ex-spouse on the record admitting that you did not provide support after your August 2015 separation. Without documentation showing if you were living in government quarters or off base, the Board cannot determine if you would have been entitled to BAH at the without dependents rate during that period. The Board determined that your debt is valid, that you were well aware of the requirement to repay the BAH and FSA, and that you told NCIS that you would repay the overpayment. Therefore, no change to your record is warranted.

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

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A member who fails to support a dependent on whose behalf a housing allowance is received is not authorized a housing allowance on that dependent's behalf. Recoup for nonsupport or inadequate support periods.

¹ The statutory purpose of a housing allowance on behalf of a dependent is to at least partially reimburse a member for the expense of providing a private sector residence for the dependents when Government Quarters are not furnished, and not to pay a housing allowance for a dependent as a bonus merely for the technical status of being married or a parent. Proof of support of a lawful spouse or unmarried, minor, legitimate child of a member is generally not required. However, when evidence (e.g., special investigation reports; record reviews; fraud, waste and abuse complaints; sworn testimony of individuals; statement by member) or complaints from dependents of nonsupport or inadequate support are received, proof of adequate support as stated in par. 10106-E is required.



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.



10/8/2024