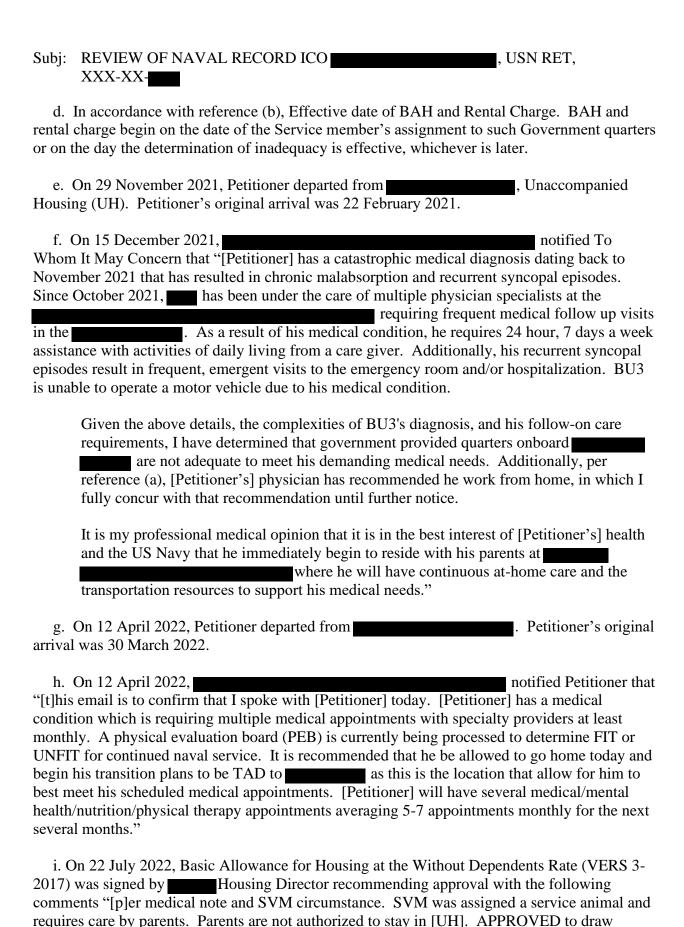


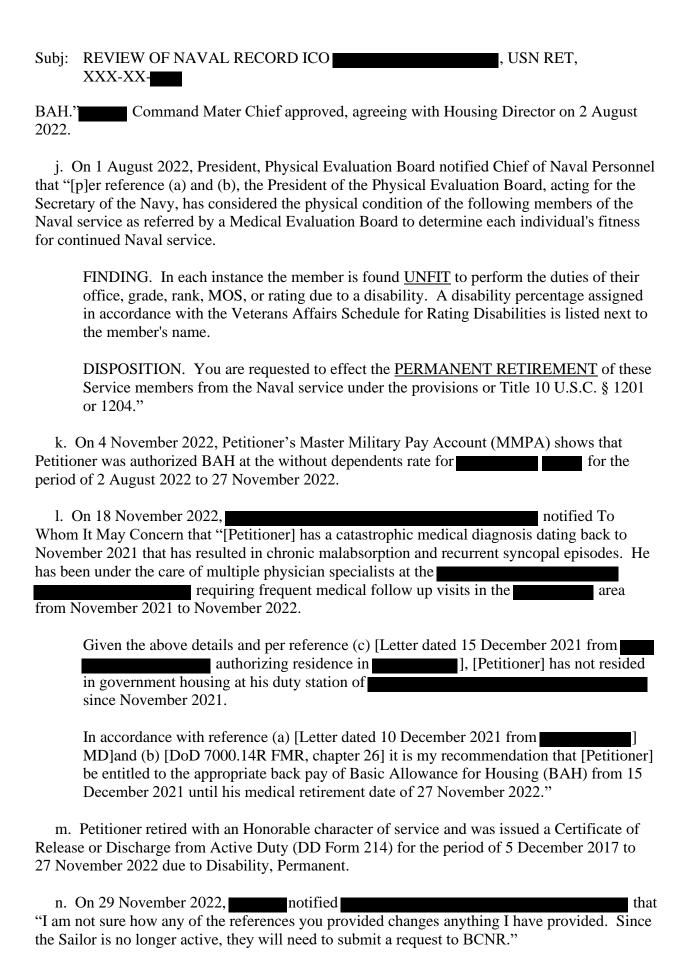
DEPARTMENT OF THE NAVY

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

> Docket No. 4239-24 Ref: Signature Date

| From: To: | Chairman, Board for Correction of Naval Records Secretary of the Navy | |
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| Subj: | REVIEW OF | |
| 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 N130C2/24U0560, 21 Jun 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 Petitioner received Basic Allowance for Housing (BAH) at the without dependents rate for the period of 15 December 2021 to 3 August 2022. | | |
| 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 5 December 2017, Petitioner entered active duty. | |
| b. (| On 31 March 2020, Petitioner was advanced to BU3/E-4. | |
| c. On 24 April 2021, Petitioner was issued official change duty orders (BUPERS order: with an effective date of departure of May 2021. Petitioner's ultimate activity was for duty with an effective date of arrival of 28 May 2021 with a Projected Rotation Date (PRD) of November 2021. | | |





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| o. (| On 12 February 2024, Commander, (First Endorsement) notified BCNR via |
| letter o | f 31 January 2024) that "Forwarded, recommending approval. |
| | This is to certify that 1 have thoroughly reviewed [Petitioner's] request and all supportive documents for back-pay of Basic Allowance for Housing (BAH) entitlements from 15 December 2021 to 3 August 2022. I have come to the conclusion that due to the service member's medical circumstances; he did in fact meet the eligibility criteria to receive BAH during the aforementioned period. It is my opinion that due to an administrative oversight, and to no fault of his own, [Petitioner's] BAH eligibility was not considered and therefore never pursued during the early months of his at-home care. Approval of back-pay will help provide him and his family some relief from the financial hardships endured as a result of this oversight." |
| (Second | On 5 March 2024, Commanding Officer, notified BCNR d Endorsement letter of 31 January 2024) that arded, recommending approval." |
| q. On 12 August 2024, UH Director, notified BCNR that "[w]hen SVM asked to move due to medical condition, we at [UH] obliged and moved him to first floor unit. When the condition worsened and SVM member needed extra accommodations, [UH] staff moved [Petitioner] to a unit that was ABA compliant. [UH] Management was able to accommodate but when medical condition had escalated to a point SVM needed round the clock care, we were no longer able to accommodate as [UH] is unaccompanied single sailor housing only. SVM was asked to request for BAH to better accommodate any medical conditions he needed to manage. | |
| | Original request was Nov 2021 to request BAH for his condition. So due to his requirement for 24/7 in- home care dating back to Nov 2021, [UH] was therefore deemed inadequate and that we supported and recommended he be provided back-pay of BAH entitlements at the "E4 Without Dependent" rate for the period of 15 Dec 2021 - 3 Aug 2022. SVM's official check out date was Nov 29, 2021. Check out sheet is attached." |
| subject has men governa docume Such de | In the advisory opinion, attached as enclosure (2), the office having cognizance over the matter addressed in Petitioner's application has commented to the effect that the request rit and warrants favorable action if the Member provides official documentation that ment quarters were deemed inadequate due to his medical diagnosis via signed entation from a valid authority i.e., the UH program director or the commanding officer. ocumentation would have to annotate the effective date of when government quarters eemed inadequate for the Member to receive a housing allowance. |
| CONC | LUSION |
| injustic | eview and consideration of all the evidence of record, the Board finds the existence of an ee warranting the following corrective action. The Board concluded that based on the from UH Director, Petitioner's requirement for 24/7 in- |

home care dates back to November 2021. Petitioner first requested BAH in November 2021 and on 29 November 2021, he departed government housing after his medical condition worsened to the point that his needs could no longer be accommodated by UH. The Board determined that this satisfied the requirements outlined in enclosure (2) as justification for Petitioner to receive a housing allowance from 29 November 2021 to 1 August 2022.

RECOMMENDATION

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

Petitioner was authorized BAH at the without dependents rate for from 29 November 2021 through 1 August 2022. Note: Deduct BAH for the period of 30 March 2022 to 11 April 2022 while Petitioner was residing in UH.

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.

