



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

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Docket No. 5211-24
Ref: Signature Date

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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 31 October 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 accordance with NAVADMIN 101/10 published on 19 March 2010, clarified eligibility and procedures for execution of a close proximity move. The following policy is in accordance with Title 37 U.S. Code Section 403 and Joint Federal Travel Regulations 1 November 2008 and supersedes any guidance on Basic Allowance for Housing (BAH) as it pertains to close proximity moves listed in OPNAVINST 7220.12 and NAVADMIN 026/09.

Service members who have not executed their orders are eligible to remove the Household Goods (HHG) funding from those orders in order to fall under the provisions of a close proximity move and may be eligible to receive BAH based on the previous Permanent Duty Station (PDS).

Service members with or without dependents who are reassigned within the continental United States, maintain an established residence, and still commute daily to their new PDS or homeport, may qualify for BAH based on their previous PDS under the provisions of a close proximity move.

To qualify for BAH based on the previous PDS the following provisions must be met: funding for a HHG move must not be authorized; the member must maintain a continuous residence. The member must have established a continuous residence at the previous PDS prior to receiving his/her new orders; the member must commute daily to the new PDS from the same residence.

Finally, to receive BAH based on the old PDS, the member must complete the below steps prior to the execution of orders: request authorization from the gaining commanding officer to receive BAH based on his/her previous duty station. Gaining commanding officers should ensure that member is maintaining a continuous residence and that the commuting distance from that continuous residence is reasonable for the geographic location of the assignment. If approved by the gaining commanding officer, the member must send the approval letter to his/her detailer in order to get the HHG funding removed from his/her orders. Once HHG funding is removed from the orders and the orders are re-issued, the member must take the approval letter and the orders to personnel support detachment upon check in to the gaining command to have BAH based on the previous duty station continued.

In accordance with DoD 7000.14R Financial Management Regulation Volume 7A, Chapter 26, New Accession. A Service member in the accession pipeline includes a Service member who is undergoing initial entry training, including an RC member, a student—includes Reserve Officer Training Corps and Officer Candidate School—without prior military Service, or a Service academy graduate upon graduation, until arrival at the first PDS. The Service member remains in the accession pipeline until the Service member arrives at a PDS, including a training location of 20 or more weeks. An RC member remains in the accession pipeline until he or she completes entry-level training or arrives at a PDS, whichever occurs first.

Service Member with a Dependent. The BAH rate for a new accession with a dependent is based on the dependent's location if the location is in the United States. If dependent is located outside the United States, BAH is based on the training site location.

On 20 June 2023, you entered active duty for 4 years with an Expiration of Active Obligated Service (EAOS) of 19 June 2027 and a Soft EAOS of 19 June 2028. You were authorized BAH at the with-dependents rate for ██████████ effective 20 June 2023.

On 19 July 2023, you were issued official change duty orders (BUPERS order: ██████████) while stationed in ██████████ with an effective date of departure of September 2023. Your intermediate (01) activity was ██████████ for temporary duty under instruction with an effective date of arrival of 16 September 2023. Furthermore, "Members who receive PCS orders when their old and new permanent duty stations are within close proximity to each other (based on a reasonable commute determined by the gaining CO) may be eligible to receive a close proximity waiver and receive BAH based on their old PDS location. See NAVADMIN 101/10 for waiver eligibility requirement and procedures."

On 2 September 2023, you transferred from ██████████ and arrived to ██████████ on 2 September 2023 for temporary duty.

On 12 October 2023, you were issued official modification to change duty orders (BUPERS order: ██████████) while stationed in ██████████ with an effective date of departure of September 2023. Your intermediate (01) activity was ██████████ ██████████ for temporary duty under instruction with an effective date of arrival of 16 September 2023. Furthermore, “Members who receive PCS orders when their old and new permanent duty stations are within close proximity to each other (based on a reasonable commute determined by the gaining CO) may be eligible to receive a close proximity waiver and receive BAH based on their old PDS location. See NAVADMIN 101/10 for waiver eligibility requirement and procedures.”

On 30 October 2023, you were issued official modification to change duty orders (BUPERS order: ██████████) while stationed in ██████████ with an effective date of departure of September 2023. Your intermediate (01) activity was ██████████ ██████████ for temporary duty with an effective date of arrival of 2 September 2023. Your intermediate (02) activity was ██████████ ██████████ for temporary duty under instruction with an effective date of arrival of 18 September 2023. Your ultimate activity was ██████████ ██████████ for duty with an effective date of arrival of 2 February 2024 with a Projected Rotation Date (PRD) of February 2026. Furthermore, “Members who receive PCS orders when their old and new permanent duty stations are within close proximity to each other (based on a reasonable commute determined by the gaining CO) may be eligible to receive a close proximity waiver and receive BAH based on their old PDS location. See NAVADMIN 101/10 for waiver eligibility requirement and procedures.”

On 13 January 2024, you transferred from ██████████ and arrived at ██████████ on 29 January 2024 for duty. You were authorized BAH at the with-dependents rate for Camp ██████████ effective 29 January 2024.

You requested BAH under the provision of close proximity effective 29 January 2024 based on your initial PDS assignment with ██████████ ██████████. The Board in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that, “[c]lose proximity clause was not indicated in my orders upon PCS. Prior duty station did not discuss anything about the close proximity clause.” The Board concluded that the close proximity information was listed in orders 2003 and in both modifications. However, that clause does not pertain to you because you were a new accession. As a new accession, you had no previous PDS on which to base the close proximity BAH entitlement. Furthermore, in accordance with DODFMR, a new accession is considered as such until he/she arrives to their first PDS. When you entered active duty on 20 June 2023, you had three dependents who resided in ██████████. Per DoD 7000.14-R FMR, Volume 7A, you rated BAH based on the dependents location in the United States. Therefore, on 20 June 2023, you began to receive BAH based on ██████████. Once you reported to your first PDS, you were no longer considered a new accession and BAH at the with dependents rate started based on your first PDS. The Board determined that you are receiving the correct BAH entitlement and that a change to your record is not 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 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,

11/5/2024

