



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

[REDACTED]
Docket No. 5602-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD [REDACTED] USN, XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) NAVADMIN 101/10, 19 Mar 10

Encl: (1) DD Form 149 w/attachments
(2) 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 was authorized to receive Basic Allowance for Housing (BAH) for the previous Permanent Duty Station (PDS) under the provisions of a close proximity effective 14 October 2022.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 21 November 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. In accordance with reference (b) "clarifies 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 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 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,

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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 (PSD) upon check in to the gaining command to have BAH based on the previous duty station continued.”

b. On 3 July 2019, Petitioner was issued official change duty orders (BUPERS order: 1849) while stationed in [REDACTED] with an effective date of departure of August 2019. Petitioner’s ultimate activity was [REDACTED] for duty with an effective date of arrival of 29 August 2019 with a Projected Rotation Date (PRD) of August 2022. Furthermore, “[e]ffective date of [REDACTED] home port change to [REDACTED] 31 OCT 2019. Promulgation date was 01 SEP 2018.”

c. On 8 August 2019, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 1 October 2019 for duty.

d. On 16 June 2020, Petitioner was advanced to MCSN/E-3.

e. On 16 October 2020, Petitioner got married.

f. On 1 January 2021, Petitioner was authorized BAH at the with dependents rate for [REDACTED] effective 16 October 2020.

g. [REDACTED] issued Petitioner a lease agreement for an apartment located at [REDACTED] with a move-in date of 21 December 2021.

h. On 3 August 2022, Petitioner was issued official change duty orders (BUPERS order: 2152) with required obligated service to October 2026, while stationed in [REDACTED] with an effective date of departure of September 2022. Petitioner’s ultimate activity was [REDACTED], [REDACTED] for duty with an effective date of arrival of 15 October 2022 with a Projected Rotation Date (PRD) of October 2026.

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i. On 24 September 2022, Petitioner signed an Application for Transfer and Advances (NPPSC 1300/1) listing block 17 (Physical Mailing Address) [REDACTED]. CPPA certified that the service member met all requirements for his PCS orders on 26 September 2022.

j. On 30 September 2022, Navy Element Commander, Defense Media Activity notified Navy Personnel Command (PERS-405) that “[i]n response to reference (a) [letter of 26 September 2022] and in accordance with references (b) [Title 37 U.S.C. Chapter 7, section 403] and (c) [NAVADMIN 101/10], the requesting service member is authorized to receive BAH based on his previous Permanent Duty Station (PDS). Please remove the funding for household goods (HHG) move from the members orders and re-issue those orders.

The member established a residence prior to the date the member’s orders were issued, the member will be commuting daily to his new PDS, and the commuting distance is reasonable for this geographic location.

With the removal of the funding for a HHG move, the member realizes he has forfeited the authorization for the government to fund a move. Additionally, the member will forfeit the right to receive BAH based on his previous PDS if the member moves his residence at his own expense. As indicated in the request, the member acknowledges that any obligated service associated with these orders must still be completed.”

k. On 3 October 2022, Petitioner transferred from [REDACTED] and arrived at [REDACTED] on 14 October 2022 for duty.

l. On 17 October 2022, Distribution Policy and Procedures (PERS-451) notified Navy Element Command SEL, Defense Media Activity, Senior Enlisted Leader CONUS Production, Defense Media Activity, Navy Production User Experience Director, Navy Chief of Information Liaison that “[u]nfortunately this member did not meet all the requirements in NA 101/10. I suggest the member request a close proximity waiver via PERS-451H. The members request, CO’s determination and Detailer response will need to be sent along with the PCS orders and current NAVPERS 1070/602 to PERS451@navy.mil.”

m. On 19 October 2022, PERS-451-H notified [REDACTED] that, “[t]he request for a close proximity waiver ICO [REDACTED] has been received. Per NAVADMIN 101/10, the law does not allow for the previous PDS BAH rate to be authorized if the member did not complete the steps as detailed in NAVADMIN 101/10 prior to detaching on the PCS orders. In this case while the request member did not complete the steps required to have the funding removed from the PCS orders prior to execution and the Detailers did not modify the orders with the specific PTXT prior to member detaching previous command.”

Per Paragraph 6 of the attached NAVADMIN: “If CO approval is not received, HHG funding is not removed, and orders are not re-issued prior to the execution of any part of the orders, the member is not eligible for a close proximity move or BAH at the previous permanent duty station. Once any part of the orders have been executed and/or the member reports to the new command, the CO does not have the authority to approve the close proximity move, the detailer does not have the authority to retroactively remove HHG funding from the orders and the PSD does not have the authority to pay BAH based on the previous PDS.”

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“It is recommended that [REDACTED] petition the Board for Correction of Navy Records. This is the only recourse to be able to request this entitlement after the fact.”

n. On 7 and 9 August 2023, Petitioner’s BAH at the with dependents rate for [REDACTED] started effective 14 October 2022.

o. On 19 November 2024, NSIPS listed Petitioner’s address is [REDACTED]

p. On 20 November 2024, [REDACTED] notified you that “I am not seeing any moves for those orders in PPTAS or DPS.”

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that on 16 October 2020, Petitioner married and was authorized BAH at the with dependent rate for [REDACTED]. Petitioner provided a lease showing he moved into his residence in [REDACTED] on 21 December 2021. On 3 August 2022, Petitioner was issued official change duty orders BUPERS order: 2152 to [REDACTED]. On 24 September 2022, Petitioner signed NPPSC 1300/1 listing block 17 (Physical Mailing Address) was [REDACTED]. On 30 September 2022, Petitioner’s gaining command endorsed his request to continue to receive BAH based on his old PDS, however PERS-451 responded that Petitioner did not meet all of the requirements in NA 101/10 and recommended that Petitioner request close proximity waiver via PERS-451H. PERS-451H responded that because Petitioner was unable to complete the steps required to remove HHG funding from his orders prior to executing any part of them, he is ineligible to receive BAH based on the previous PDS. Furthermore, they recommended that he petition this Board to request the entitlement after the fact. The Board determined that because Petitioner established his residence prior to the issuance of orders, Petitioner’s gaining commanding officer had verified Petitioner’s residence and endorsed his request prior to him detaching his old PDS, and Petitioner has not moved his HHG at government expense, relief is warranted.

RECOMMENDATION

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

Petitioner’s request for a close proximity move was approved by cognizant authority prior to executing orders (BUPERS order: 2152).

Petitioner was authorized “BAH at the with dependents rate for [REDACTED]” vice “BAH at the with dependents rate for [REDACTED]” effective 14 October 2022 to present. Note: If Petitioner moves from his residence, he will no longer be authorized BAH at the old PDS.

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

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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.

11/27/2024

