



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

[REDACTED]
Docket No. 6558-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN, [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 receive basic allowance for housing (BAH) at previous permanent duty station (PDS) in [REDACTED]

2. The Board, consisting of [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 1 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 22 May 2020, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 30 June 2020 for duty.

b. On 1 July 2020, Petitioner certified a Dependency Application (NAVPERS 1070/602) listing spouse's address as [REDACTED]

c. On 7 August 2023, Petitioner was issued official new appointment orders (BUPERS order: 2193) while stationed in [REDACTED] with an effective date of departure of November 2023. Petitioner's ultimate activity was [REDACTED] for duty with an effective date of arrival of December 2023 with a projected rotation date of January 2029.

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d. Petitioner was dismissed 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 21 January 2010 to 31 October 2023 upon accepting commission or warrant in same branch of service.

e. On 31 October 2023, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 1 November 2023 for duty.

f. On 21 November 2023, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 18 December 2023 for duty.

g. On 17 December 2023, Petitioner's BAH at the with dependents rate for [REDACTED] stopped. On 18 December 2023, Petitioner's BAH at the with dependents rate for [REDACTED] started.

h. On 20 December 2023, Deputy Naval Reactors Representative, [REDACTED] notified Personnel Support Activity Detachment (PSD), [REDACTED] that "[i]n accordance with reference (a) [NAVADMIN 101/10], I authorize ENS [REDACTED], to maintain his current Basic Allowance for Housing rate."

i. On 1 December 2023, Wells Fargo issued Petitioner a mortgage statement for a payment owed for the property address [REDACTED]

j. On 25 March 2024, Senior Naval Reactors Representative, Newport News notified Director, Military Personnel Plans and Policy (N13) via First Endorsement on Petitioner's letter of 11 March 2024 recommending approval.

k. On 25 March 2024, Director, Naval Reactors notified Director, Military Personnel Plans and Policy (N13) via Second Endorsement on Petitioner's letter of 11 March 2024 recommending approval.

l. On 24 July 2024, Petitioner certified a Dependency Application (NAVPERS 1070/602) listing spouse's address as [REDACTED]

m. On 27 September 2024, Naval Supply Systems Command notified this Board that Petitioner's last move was in 2020.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting the following corrective action. The Board concluded that Petitioner established his residence in [REDACTED] prior to his receipt of BUPERS orders 2193. Petitioner was not able to complete the steps required in reference (b)¹ prior to the execution of

¹ This NAVADMIN 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

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his orders and BAH for the new PDS was started upon his transfer. The Board determined that Petitioner's orders were to the same geographical area as the old PDS, his gaining command endorsed Petitioner's request to maintain BAH at the with dependent rate for his previous PDS, and Petitioner had not moved residences, therefore he is eligible to maintain BAH at the with dependent rate based on his old PDS.

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 orders 2193).

Petitioner was authorized BAH at the with dependents rate for [REDACTED] vice [REDACTED] effective 18 December 2023 to present. Note: If Petitioner moves from her residence, she will no longer be authorized BAH at the old PDS.

Note: The Defense Finance and Accounting Service will complete an audit of Petitioner's 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.

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

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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.

10/8/2024

