



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

█  
Docket No. 7170-24  
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.

A three-member panel of the Board, sitting in executive session, considered your application on 15 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, this NAVADMIN clarified eligibility and procedures for execution of a close proximity move. The policy is in accordance with Title 37 U.S. Code Section 403 and Joint Federal Travel Regulations of 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. If the member moves after the issue date of orders, regardless of whether or not the member moved at personal expense, there is no authorization for BAH based on the previous PDS.

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 (CO) to receive BAH based on his/her previous duty station. Gaining COs 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 CO, 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.

On 12 February 2019, you entered active duty. On 16 December 2022, you were advanced to OS2/E-5. On 15 November 2022, you transferred from █ and arrived to █ on 16 December 2022 for duty.

On 5 January 2023, you were issued a Lease Contract with a dwelling unit located at █ for an initial term of 11 January 2023 to 10 January 2024.

On 11 September 2023, CO, █ notified To Whom It May Concern that "█ will deploy on or about October 2023 for a period in excess of 180 days. Due to operational security, exact dates cannot be provided. The above named Service Member is a member of this command and will deploy with this unit. This letter constitutes a military order to deploy pursuant to 50 U.S.C. 3955. The Service members Civil Relief Act (SCRA) and █ Code 55-248-21:1(B), the █."

On 1 November 2023, you were issued official change duty orders (BUPERS order: 3053) with required obligated service to May 2027, while stationed in █ with an effective date of departure of March 2024. Your intermediate (O1) activity was █ for temporary duty under instruction with an effective date of arrival of 30 March 2024. Your ultimate activity was █ for duty with an effective date of arrival of 27 May 2024 with a Projected Rotation Date (PRD) of May 2027. Furthermore, "[m]embers who receive PCS orders when their old and new [PDS] 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 requirements and procedures. Go to: N130C - Pay & Allowances (Navy.mil) NAVADMIN 101/10 - Close Proximity Move."

On 13 March 2024, you transferred from ██████████ and arrived to ██████████ on 29 March 2024 for temporary duty.

On 16 March 2024, you were issued a residential Lease Agreement with a dwelling unit located at ██████████ for an initial term of 16 March to 10 December 2024.

On 26 April 2024, you transferred from ██████████ and arrived to ██████████ on 7 May 2024 for duty.

On 13 April 2024, BAH at the without dependents rate for ██████████ stopped effective 6 May 2024. Furthermore, BAH at the without dependents rate for ██████████ started effective 7 May 2024.

On 15 July 2024, and 7 October 2024, Navy Element Commander, ██████████ notified this Board that “[p]rior to ██████████ PCS date, she attempted to engage her previous command’s Administration Department regarding the process to ensure she would be entitled to receive BAH based on her previous PDS. The representatives in that department explained that no paperwork would be necessary as her orders did not include any ██████████ ██████████ OS2 ██████████ executed her PCS to ██████████”

“At this time, representatives within ██████████ J1 Directorate informed ██████████ that she was only entitled to BAH based on her new PDS because she had not submitted the appropriate paperwork per reference (a) prior to the execution of her PCS orders. The command attempted to engage ██████████ detailer with the appropriate paperwork per reference (a) [NAVADMIN 101-10]. The detailer, ██████████, informed ██████████ that this action should have occurred prior to the execution of the orders. ██████████ stated that the only recourse was to submit an Application for Correction of Military Records to petition for the BAH entitlement.”

On 11 October 2024, NAVSUP Fleet Logistics Center Norfolk confirmed to this Board that they didn’t have any information on you regarding a HHG or personally procured move for BUPERS order: 3053, issued on 1 November 2023.

You requested to receive BAH based on your previous PDS under the provisions of a close proximity move, the Board in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that you received misinformation from your administration department who erroneously told you that no paperwork would be necessary because your orders did not include any funding for a PCS move. However, the Board concluded that the information you needed could be found in BUPERS order: 3053 which directed you to refer to NAVADMIN 101-10. Additionally, removal of HHG funding is just one part of the process you needed to complete prior to the execution of your orders. BUPERS order: 3053 state that, “[m]embers who receive PCS orders when their old and new [PDS] 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.” You did not provide evidence that you requested authorization from

