

## **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.

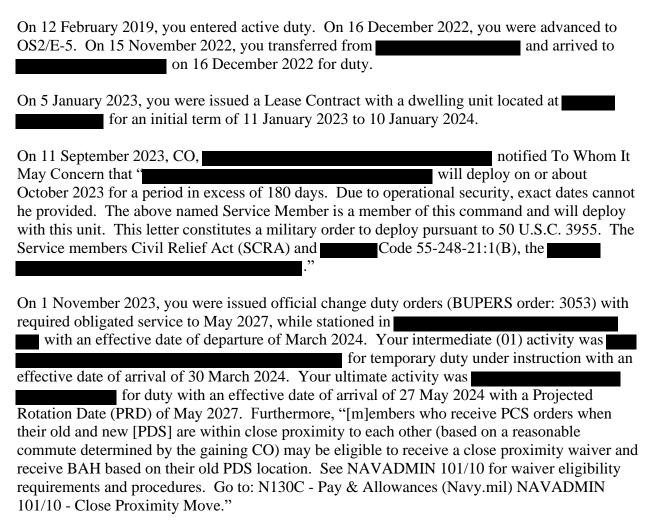
In accordance with NAVADMIN 101/10 published on 19 March 2010, this NAVADMIN clarified eligibility and procedures for execution of a close proximity move. The policy is in accordance with Title 37 U.S. Code Section 403 and Joint Federal Travel Regulations of 1 November 2008 and supersedes any guidance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

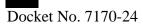
Service members who have not executed their orders are eligible to remove the Household Goods (HHG) funding from those orders in order to fall under the provisions of a close proximity move and may be eligible to receive BAH based on the previous Permanent Duty Station (PDS).

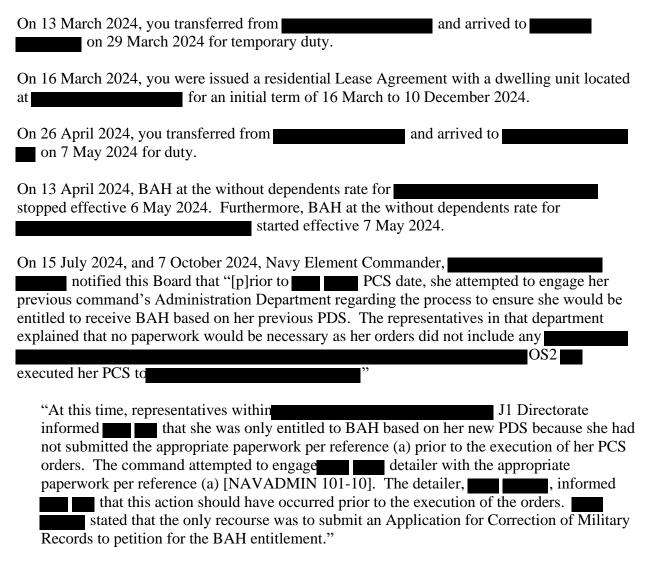
Service members with or without dependents who are reassigned within the continental united states, maintain an established residence, and still commute daily to their new PDS or homeport, may qualify for BAH based on their previous PDS under the provisions of a close proximity move.

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 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

the gaining CO to receive BAH based on your previous duty station. In accordance with NAVADMIN 101-10, the gaining CO is responsible for determining your residence location and verifying your eligibility. Furthermore, you did not provide evidence from your old PDS to corroborate your statements and your gaining CO has not submitted the proper endorsement for your request. Moreover, the Board determined that even if you had completed the requirements to continue to receive BAH based on your old PDS, you were ineligible to receive it once you reported to your new PDS because you signed a lease for a different residence after you were issued your orders. In accordance with NAVADMIN 101-10, "[i]f 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." Therefore, the Board determined 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.

