



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

██████████
Docket No. 7426-24
Ref: Signature Date

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██
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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 12 November 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 addition, the Board considered the advisory opinion contained in Office of the Chief of Naval Operations memorandum 7431 Ser N130C2/24U0787 of 3 September 2024 and your response to the opinion.

You requested to receive Basic Allowance for Housing (BAH) at the without dependent rate from 23 January through 21 April 2024, 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 were denied household goods (HHG) storage and maintained a residence until your permanent change of station on 15 March 2024 and you were told you would have to pay all costs out of pocket, despite still being attached to the ship without any follow-on orders. However, the Board concluded that in accordance with DoD Financial Management Regulation (DoDFMR) 7000.14-R, “[w]hen a home port change is involved, ordinarily a housing allowance based on the rate for the new home port starts on the effective date of the home port change. There is no legal waiver or exception to policy to authorize BAH for the previous PDS [Permanent Duty Station] after the effective date of the homeport change.” You state that you seem to have fallen into a gap between competing policies that allow “no legal waiver or exception” and if the Navy is not willing make the occasional exception to policy for someone who falls outside of normal circumstances, then we have an obligation to keep Sailors out of situations where they might require such an exception.” The Board determined that you have not

fallen into a gap between competing policies. The homeport change business rules, which your command would have been familiar with details the entitlements and their effective dates that affect the sailors in their command. You were a Category 2 sailor, and your orders provided authorization for HHG NTS AND/OR POV storage. Although your projected rotation date initially caused an error in the Defense Personal Property System, there is no evidence that you or your command attempted to take any corrective action to allow your HHG to be placed in storage. In accordance with both the homeport change business rules and the DoDFMR, you were not entitled to BAH based on Everett, WA after the effective date of the homeport change. Therefore, no change to your record is warranted. In this connection, the Board substantially concurred with the comments contained in the aforementioned advisory opinion.

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,

11/15/2024

