

DEPARTMENT OF THE NAVY

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

> Docket No. 7517-24 Ref: Signature Date

Dear ,

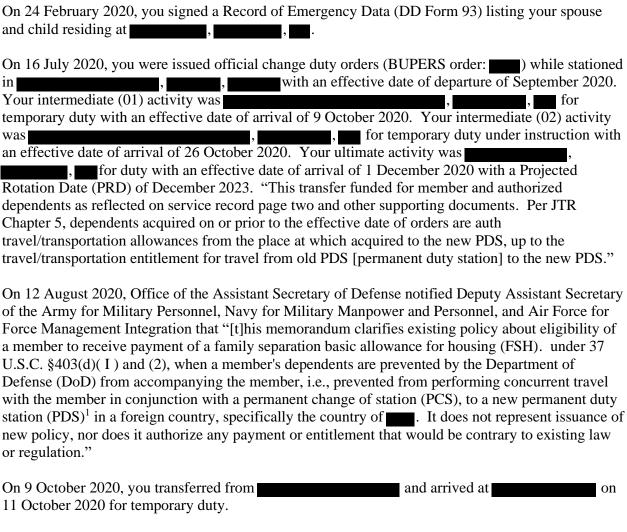
This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 13 February 2025. 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 N130C2/24U0790 of 27 September 2024, which was previously provided to you for comment.

In accordance with DoD 7000.14-R FMR Volume 7A, Chapter 26, FSH is payable to a Service member with a dependent for added housing expenses resulting from separation from the dependent. The separation must be caused by a Service member's assignment on military or uniform orders to either a PDS OCONUS on an unaccompanied or dependent-restricted tour or a PDS to which concurrent dependent travel has been denied or deferred ... For FSH to be payable, all of the following conditions must be met: Dependent transportation to the PDS is not authorized at Government expense under the JTR, Chapter 5, Section 0504; Dependent does not reside in the PDS vicinity; and Government quarters are not available for assignment to the Service member.

On 14 February 2020, in the state of issued you and your spouse a Marriage License. A Marriage Certificate, certifying that a Minister did on 14 February 2020 join you and your spouse in lawful wedlock.

On 24 February 2020, you certified a Dependency Application/Record of Emergency Data (NAVPERS 1070/602) listing your spouse and child residing at the property of the control of the contr

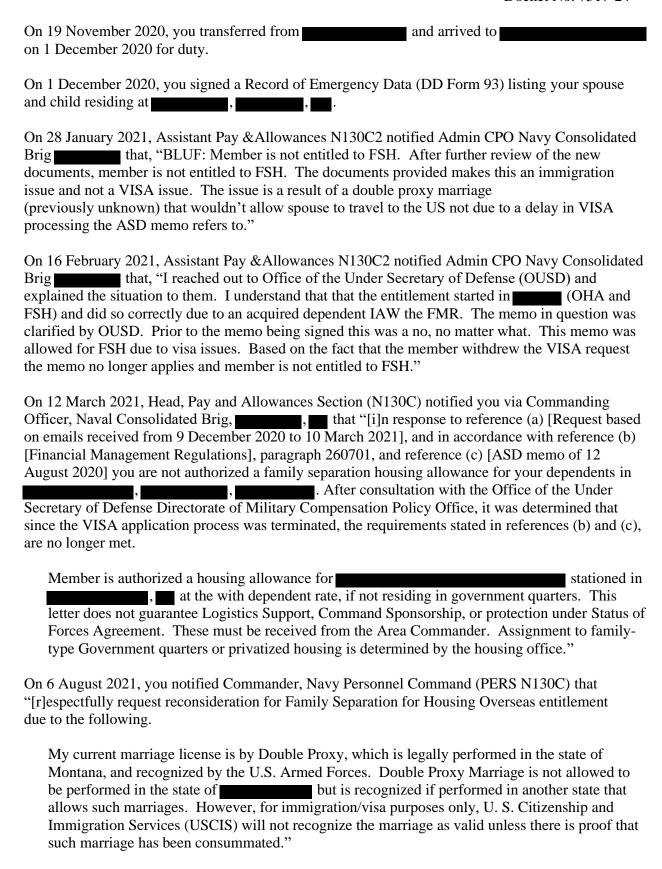


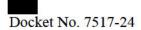
On 23 October 2020, Office of the Assistant Secretary of Defense notified Deputy Assistant Secretary of the Army for Military Personnel, Navy for Military Manpower and Personnel, and Air Force for Force Management that "[t]his memo clarifies that a member may be authorized FSH if the Government defers dependent travel for reasons other than lack of housing availability.

The current language in the DoD Financial Management Regulation (FMR) indicates deferred (non-concurrent) travel of dependents may be based solely on housing availability and does not take into account other reasons caused by the Government that may cause dependent travel to be deferred. For example, delays in obtaining a passport or Visa from the host nation, foreign area clearance delays and stop-movement orders may also require the Government to defer travel of dependents.

This change is to clarify the DoD FMR language according to the Director, Military Compensation Policy memorandum, 'Clarification of Existing Policy - Family Separation Basic Allowance for Housing' of 14 August 2020'.

This change was previously coordinated as Allowances Branch Item 015-20 and will be submitted for inclusion in the next change to the Department of Defense FMR."





On 25 January 2022, you signed a Record of Emergency	Data (DD Form 93) listing your spouse and
children residing at,,,	
On 4 September 2024, you transferred from	and arrived to
on 4 September 2024 for duty.	

You requested FSH allowance during the period of 9 October 2020 to 23 December 2021, the Board in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that this correction should be made due to financial hardship incurred while executing orders during COVID-19 in accordance with Office of the Assistant Secretary of Defense Memorandum published on 12 August 2020. However, the Board concluded that on 16 July 2020, you were issued orders 0340 which authorized dependent travel. In accordance with DoD 7000.14-R, FSH is payable to a Service member with a dependent for added housing expenses resulting from separation from the dependent. The separation must be caused by a Service member's assignment on military or uniform orders to either a PDS OCONUS on an unaccompanied or dependent-restricted tour or a PDS to which concurrent dependent travel has been denied or deferred. Your dependents did not travel with you when you executed orders 0340 because they had not obtained visas prior to your departure. The Office of the Assistant Secretary of Defense Memorandum states that COVID-19 extended the process time to receive required visas for dependents and therefore prevented their ability to travel at government expense with their sponsors. However, the Board determined that based on the fact that you withdrew the VISA request, you no longer met the intent of the memo, and you are not entitled to FSH. In this connection, the Board substantially concurred with the comments contained in the 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.

