



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

██████████  
Docket No. 9143-24  
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 13 May 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 N130C2/25U0207 of 4 April 2025, which was previously provided to you for comment.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

In accordance with MILPERSMAN 1000-100, published on 21 November 2015, 3. PLEAD [Place from Which Called or Ordered to Active Duty]. The place of acceptance in current enlistment, commission, or appointment of an active Service member, or of a member of the Reserve Component (RC) when enlisted, commissioned, or appointed for immediate active duty...Note: The PLEAD changes only if there is a break in service exceeding 1 full day, in which case it is the place of entry into the new period of service.

In accordance with DoD 7000.14-R FMR Volume 7A, Chapter 26, the following RC members are authorized BAH [Basic allowance for Housing] or OHA [Overseas Housing Allowance]: A member called or ordered to AD [Active Duty] in support of a contingency operation for a time

period of any duration. A member called or ordered to AD for 31 or more days, except a Service member without a dependent during initial entry training.

Called or Ordered to AD for Contingency. An RC [Reserve Component] member called or ordered to AD in support of a contingency operation is authorized BAH or OHA based on the primary residence beginning on the first day of AD. This rate is authorized even for duty of 30 or fewer days. This rate continues for the duration of the tour unless the RC member is authorized PCS [Permanent Change of Station] HHG [Household Goods] transportation, in which case the rate for the PDS [Permanent Duty Station] would apply on the day the RC member reports to the PDS.

In accordance with The Joint Travel Regulations, 020102. Per Diem Allowance. The per diem allowance is a daily rate meant to cover living expenses. It provides the maximum amount a traveler may be reimbursed for lodging, meals, and incidental expenses. The per diem is based on the rate of the authorized stopover point or official duty location. Only one per diem applies to a calendar day. Expenditures defined in the JTR as incidental expenses are reimbursed at a defined rate, as part of the per diem allowance. Incidental expenses are a separate category of reimbursement from miscellaneous reimbursable expenses.

030302. RC Member Performing Active Duty with Pay Who Does Not Commute. A. Eligibility. An RC member on official orders who does not commute daily, but travels between the duty location and the primary residence or PLEAD, which are outside the local area of the duty location, may be eligible for travel allowances (see par. 032301 and par. 032302). B. Allowances...181 or More Consecutive Days at Any One Location (with No Break in Service). When the RC Member Does Not Commute a. An assignment that lasts for 181 or more consecutive days at one location becomes a PCS (see Chapter 5). Per diem is not payable at the PCS location...c. The standard travel and transportation allowances in Chapter 2 may be authorized when the Secretarial Process determines that the call to active duty or an extension is required by any of the following: ...(3) Contingency operations.

050405. When Dependent Travel and Transportation Allowances are not Payable. A. No Allowances Authorized. Table 5-8 specifies the situations when dependent travel and transportation is not authorized. Section 0508 contains the reasons when dependent travel and transportation are not payable for OCONUS [Outside the Continental United States].

Table 5-8. Dependent Travel and Transportation Allowances are not Authorized. Rule 1, when the traveler is a Service Member, Not Authorized Dependent Travel and Transportation Allowances for (e) Called to active duty for reasons other than training for: (3) 181 or more days at one location but authorized per diem in section 0303.

On 5 February 2021, you were issued BUPERS mobilization order: ██████████ with an address of stow, oh 44224. furthermore, the following was listed under Itinerary, Activation Activity: "Under partial mobilization authority of reference (a), you are hereby involuntarily ordered to report for active duty for a period of up to 365 days, plus out-processing and accrued leave, unless released sooner by the order issuing authority...These orders may be extended for a total of up to 24 months by the order issuing authority. Member is considered to be in a temporary

duty (TDY) status....” Report on or about 26 July 2021 to [REDACTED]  
[REDACTED]... For Active Duty. Orders issued in support of Operation OCO...Current Period: 351 days and 340 BOG. Estimated ultimate activity detach: 1 July 2022. Furthermore, “[i]n accordance with JTR 050405 movement of dependents is not authorized.”

On 30 March 2021, you were issued mobilization order modification. Furthermore, the following was listed: “Under partial mobilization authority of reference (a), you are hereby involuntarily orders to report for active duty for a period of up to 365 days, plus out-processing and accrued leave, unless released sooner by the order issuing authority.” Ultimate Activity: Report on or about 26 July 2021 to [REDACTED] for Active Duty ACC: 107. Furthermore, “[i]n accordance with JTR 050405 movement of dependents is not authorized.”

On 7 July 2021, you were issued mobilization order modification. Furthermore, the following was listed: “This serves as authority to modify reference (b) routing instructions to reflect the following...Exemption to COVID-19 Travel Restriction Authorized. This travel is directed under the Global Force Management Allocation plan and is exempt from COVID-19 stop movement restrictions.”

Your Master Military Pay Account (MMPA) shows the following (BAH): “ENTRY-OPEN-DT 210721 18 07 2 CNTRL-CODE 0 ACTN 01 START 210702 ENTLMT-MM 851.85 ENTLMT 1,703.70 ENTLMT-NM 1,703.70 ACCOM 1 ZIP-CODE 44224 RENT 9,999.00 SHARE-NR 1 RENT-STAT R PRCNTGE .00 PROTECTED-RATE 0.00 CLOST-DEPN.”

Your MMPA shows the following (Privatized Housing): “ENTRY-OPEN-DT 210803 07 08 1 ACTN 01 EFF 2108 RCPNT-TYPE 3 ALOT-AMT 1,968.00 ACCT-PLCY-NR 0365909703 TYPE-OF-ACCT P RLTNShP CO S962265 CRED-LINE [C.T.]”

On 17 November 2021, you were issued mobilization order mod. Furthermore, the following was listed: “SNM has been administratively transferred.”

On 17 November 2021, you were issued mobilization order extension. Furthermore, the following was listed: “SNM is currently mobilized IAW refs a [DODI 1235.12], [Mobilization Order] through c [ASN MEMORANDUM Limitations on Temporary Duty Per Diem] . This serves as authority to modify ref b by extending MBR for no more than 730 days at one geographic location.” “Member is considered to be in Temporary Duty (TDY) status.”

On 21 June 2022, you were issued Demobilization order modification: 1722 with an address of Stow, OH 44224. “When directed by reporting senior, detach no later than 30JUN23 FM: [REDACTED].”

Your MMPA shows the following (Privatized Housing): “ENTRY-OPEN-DT 220104 05 01 1 ACTN 07 EFF 2201 RCPNT-TYPE 3 ALOT-AMT 2,199.00 ACCT-PLCY-NR 0365909703 TYPE-OF-ACCT P RLTNShP CO S962265 CRED-LINE [C.T.]”

On 2 March 2023, you were issued BUPERS mobilization order: ██████████ while stationed in ██████████. Member executing back to back mobilization in place at previous ultimate duty station. Report to ██████████ for Active Duty on or about 2 July 2023. Orders issued in support of ██████████. Current period: 363 days. In accordance with JTR 050405 movement of dependents is not Authorized. Per Diem travel and transportation allowances are paid in accordance with JTR 0201 AND 0203.

Your MMPA shows the following (BAH): "ENTRY-OPEN-DT 230728 03 08 1 CNTRL-CODE 0 ACTN 04 START 230701 ENTLMT-MM 1,040.85 ENTLMT 2,081.70 ENTLMT-NM 2,081.70 ACCOM 1 ZIP-CODE 38055 RENT 9,999.00 SHARE-NR 1 RENT-STAT R PRCNTGE .00 PROTECTED-RATE 0.00 CLOST-DEPN."

On 28 November 2023, you certified a Dependency Application (NAVPERS 1070/602) listing the following information: On 26 September 1998, your dependent child was born and resided at ██████████. On 20 February 2009, your dependent child was born and resided at ██████████, ██████████. On 21 October 2003, your dependent child was born and resided at ██████████. On 4 November 2007, your dependent child was born and resided at ██████████ 44224. On 10 June 2014, you got divorced. On 25 November 2023, you got married [D.J.K.S.) and resided at ██████████ 38053.

On 1 April 2024, you were issued official temporary recall orders (BUPERS order: ██████████) while located at ██████████. Furthermore, the following was listed: "You are hereby ordered to report for voluntary temporary recall under the authority of title 10 USC SECTION 12301 (d) and IAW reference a. Member is executing back to back orders. Please do not close pay account. The term of these orders is 24 months and ends 06 2026." Upon completion of intermediate duty assignments, if applicable, and as directed below, report to ultimate duty station ██████████. For pay and personnel accounting report to personnel support activity detachment as indicated below: report NET 29 Jun 2024 and NLT 29 Jun 2024. To: Commanding Officer, ██████████ (ACC 103 – Temporary Active Duty).

The following Travel Voucher Summaries from 2 July 2021 to 30 June 2023 were prepared and paid: DO Voucher No. A03777, A40799, A42412, A82876, A97893, A05406, A55432, A72353, A93043, A94371, A97892, A11777, A41473, A69547, A20576, A37777, A51212, A55899, A76913, B17276, B43930, B56112, B59477, B62344, B97555, B338779, B70277, B76950, B99572, B21836, 00001, B67617, B73916, B93623, B40892, B45120, B54832, B76889, B01597, B36910, B19192, B44439, B375345, B15579, B334307, B52881, B23906. Travel Type: TDY. You were paid TDY Per Diem for the whole period, along with transportation and Reimbursables, as applicable.

On 10 May 2024, Travel Advance Summary (DO Voucher No. B72777) was prepared and paid on 13 May 2024 with a Start Date of 14 June 2024, End Date of 29 June 2024, Detach Date of 24 June 2024, and Report date 29 June 2024. Authorized Advance \$3,270.94. Remarks listed the following: "Paid ADV DEP DLA only. Member elected to use GTCC."

On 20 May 2024, Travel Advance Summary (DO Voucher No. B82596) was prepared and paid on 21 May 2024 with a Start Date of 24 June 2024, End Date of 29 June 2024, Detach Date of 24 June 2024, and Report date 29 June 2024. Authorized Advance \$6,710.41. Remarks listed the following: “Adv DITY/PPM.”

On 20 May 2024, Travel Advance Summary (DO Voucher No. B23906) was prepared and paid on 2 July 2024 with a Start Date of 14 June 2024, and End Date of 21 June 2024. Advances/Prior Payments: \$0.00, Total Entitlement \$850.25, Total Charged to Acct. Class \$850.25, Total Amount Payable \$850.25, and Due Employee \$0.00.

Your MPA shows the following (Privatized Housing): “ENTRY-OPEN-DT 220104 05 01 1 ENTRY-CLSD-DT 240701 06 07 1 ACTN 02 EFF 2201 STOPPED-PAID-THRU 2406 RCPNT-TYPE 3 ALOT-AMT 2,199.00 ACCT-PLCY-NR 0365909703 TYPE-OF-ACCT P RLTNShp CO S962265 CRED-LINE [C.T.]”

Your MMPA shows the following (BAH): “ENTRY-OPEN-DT 240624 01 07 1 ENTRY-CLSD-DT 240701 06 07 1 CNTRL-CODE 2 ACTN G2 START 240615 STOP 240628 ENTLMT-MM 984.06 ENTLMT 984.06 ENTLMT-NM 0.00 MNTLY-RATE 2,108.70 ACCOM 1 ZIP-CODE 38055 RENT 0.00 SHARE-NR 1 RENT-STAT R PRCNTGE .00 PROTECTED-RATE 0.00 CLOST-DEPN.”

On 1 July 2024, Travel Voucher Summary (DO Voucher No. B25106) was prepared and paid on 3 July 2024 with a Start Date of 29 June 2024, End Date of 29 June 2024, Detach Date of 24 June 2024, and Report date 29 June 2024. Advances/Prior Payments: \$3,270.94, Total Entitlement \$3,354.94, Total Charged to Acct. Class \$3,354.94, Total Amount Payable \$3,270.94, and Due Employee \$84.00. Remarks listed the following: “Member paid enroute travel , DLA with dependents applied advance of 3,270.94.”

On 18 July 2024, Travel Voucher Summary (DO Voucher No. B44792) was prepared and paid on 22 July 2024 with a Start Date of 25 June 2024, End Date of 2 July 2024, Detach Date of 24 June 2024, and Report date 29 June 2024. Advances/Prior Payments: \$3,354.94, Total Entitlement \$4,997.74, Total Charged to Acct. Class \$1,642.80, Total Amount Payable \$1,642.80, and Due Employee \$0.00.

On 17 July 2024, you signed a Temporary Lodging Expense (TLE) Allowance Certification (NPPSC 7220/2) listing the following: Block 7 (Date Temporary Lodging Occupied) at old PDS 24 June 2024 to 25 July 2024, and at new PDS 25 June 2024 to 2 July 2024. Furthermore, block 8 (Temporary Lodging Expense Certification Statements: “I certify that in connection with my departure from my last PDS and arrival at my new PDS. I was required to obtain temporary lodging for myself and mv dependents. I also certify these quarters were not my permanent quarters at either the old or new permanent duty station.”

You requested to be paid for the amount that was taken from you over the BAH rate for PLEAD while stationed in ██████████ for the period of July 2021 through June 2024 in the amount of \$10,656. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. On 5 February 2021, you were issued

mobilization orders 0361 in support of Operation OCO, Named Contingency Code 9GF for a period of up to 351 days (up to 365 days), with the possibility of being extended an additional 24 months. In accordance with DODFMR, “[a]n RC member called or ordered to AD in support of a contingency operation is authorized BAH or OHA based on the primary residence beginning on the first day of AD. This rate is authorized even for duty of 30 or fewer days. This rate continues for the duration of the tour unless the RC member is authorized PCS HHG transportation, in which case the rate for the PDS would apply on the day the RC member reports to the PDS.” Your primary residence was OH. Therefore, the Board determined that you were appropriately authorized BAH based on the primary residence. You assert that your privatized housing allotment for housing in [REDACTED] should have been based on the BAH rate of [REDACTED] because you were on TDY orders. The Board has no authority over privatized housing charges or allotments. The Board noted that you received TDY entitlements, including Per Diem from July 2021 through June 2023. In order to entitle you to BAH for [REDACTED], your orders would need to be changed from TDY to PCS. The Board did not agree to change your orders even though you were at your PDS for more than 181 days because you did not request it and because doing so would put you in severe financial hardship due recoupment of TDY entitlements. Additionally, it is not appropriate to change your PLEAD to [REDACTED] because Stow, OH was your place of residence when you received your mobilization orders and in accordance with MILPERSMAN 1000-100, you had no break in service of more than one day. However, the Board found that BUPERS mobilization order: [REDACTED], issued on 2 March 2023 was for back to back mobilization in place at your previous ultimate duty station, and it lists your address as [REDACTED]. In July 2023, you began receiving BAH at the [REDACTED] rate, even though you had no break in service. Therefore, the Board concluded that 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.

Sincerely,

5/20/2025

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