Docket No. 10928-24
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO ██████████████████████, USN,
          XXX-XX-████

Ref: (a) Title 10 U.S.C. § 1552
          (b) NAVADMIN 101/10, 19 Mar 10

Encl: (1) DD Form 149 w/attachments
          (2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his/her naval record be corrected to show Petitioner completed all requirements to fall under the provisions of a close proximity move and was eligible for and received basic allowance for housing (BAH) based on the previous permanent duty station (PDS).

2. The Board, consisting of ████████, ████████, and ████████ reviewed Petitioner's allegations of error and injustice on 4 March 2025 and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies.

3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

    a. On 30 April 2021, ████████████ prepared an ALTA Combined Settlement Statement which listed Petitioner's property as ████████████ with a settlement date of 30 April 2021.

    b. On 18 December 2023, Petitioner was issued official change duty orders (BUPERS order: 3523) with required obligated service to June 2028, while stationed in ████████████ ████████████ with an effective date of departure of May 2024. Petitioner's ultimate activity was ████████████████████ for duty with an effective date of arrival of 30 June 2024 with a projected rotation date of June 2028.

    c. On 17 June 2024, Petitioner transferred from ████████ and arrived to ████████ ██ on 28 June 2024 for duty.

    d. On 27 June 2024, Petitioner's BAH at the without dependents rate for ████████████ ████████ stopped.

    e. On 28 June 2024, Petitioner's BAH at the without dependents rate for ████████████ ████ 23607 started.

    f. On 1 July 2024, Petitioner notified Commanding Officer, ██████████████████ that "[i]n accordance with references (a) through (d). I am requesting to maintain BAH at my previous PDS. Upon reporting to your command, I will have maintained a continuous residence in ████████ and intend to continue residing there for the duration of my tour.

I fully understand that with your approval of my request, 1 will have the funding for a household goods (HHG) move removed from my orders and the authorization to move my family at government expense revoked. Additionally. I realize that if I move my residence at my own expense, I will forfeit the right to receive BAH based on my previous PDS and my BAH rate will be reverted to my current duty location.

I understand that any obligated service what would have been associated with a funded move still applies, and that I am expected to complete that obligated service."

    g. On 1 July 2024, Commanding Officer, ████████████████████████ notified Commander, Naval Personnel Command (PERS-402) that "[i]n response to reference (a), the requesting service member is authorized to receive BAH based on his previous PDS. Please remove the funding for a HHG move from the members orders and re-issue those orders.

The member established a residence prior to the date the member's orders were issued, the member will be commuting daily to his new PDS, and the commuting distance is reasonable for this geographic location.

With the removal of the funding lor an HHG move, the member realizes he has forfeited the authorization for the government to fund a move. Additionally, the member will forfeit the right to receive BAH based on his previous PDS if the member moves his residence at his own expense. As indicated in the request, the member acknowledges that any obligated service associated with these orders must still be completed."

    h. On 15 November 2024, Petitioner got married.

    i. On 7 January 2025, Petitioner signed a Record of Emergency Data (DD Form 93) listing your spouse residing at ████████████████.

    j. On 12 February 2025, Petitioner's BAH at the with dependents rate for ████████████ ██████████████ started effective 15 November 2024.

Subj: REVIEW OF NAVAL RECORD ICO ███████████████████, USN,
       XXX-XX-███

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action.   The Board concluded that Petitioner established his residence in ████████████ on 30 April 2021. On 18 December 2023, Petitioner was issued orders 3523 to the new PDS at ████████████. Although Petitioner did not complete the steps required in reference (b) prior to transfer, his gaining commanding officer certified that Petitioner established a residence prior to the date his orders were issued, he will be commuting daily to his new PDS, and the commuting distance is reasonable for that geographic location. Therefore, Petitioner is entitled to receive BAH at the with-dependents rate based on the old PDS.

RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner submitted a close proximity move request and it was approved by cognizant authority, prior to the execution of his orders.

Petitioner was authorized BAH at the without dependents rate for ███████████████ ████ vice ██████████████████████████ from 28 June 2024 to 14 November 2024. Furthermore, Petitioner was authorized BAH at the with dependents rate for ████████████ ████████ effective 15 November 2024 to present.

Note: If Petitioner moves from his residence, he will no longer be authorized BAH at the ███████████████████████ rate.

A copy of this report of proceedings will be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above titled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

3/8/2025

███████████████████

Deputy Director
Signed by: ████████████████