



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED]
Docket No. 142-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN RET,
XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) DoD 7000.14-R FMR Volume 7A, Chapter 26
(c) DoD 7000.14-R FMR Volume 7A, Chapter 68
(d) MILPERSMAN 1910-812, 11 Nov 21

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 naval record be corrected to show he received repayment of erroneous debt incurred by loss of [REDACTED] Cost of Living Allowance (COLA) and Overseas Housing Allowance (OHA) for June and July 2023.

2. The Board, consisting of [REDACTED], [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 18 November 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. In accordance with reference (b), OHA is paid monthly to help offset housing expenses for a Service member or dependent authorized to live in private sector leased or owned housing at an assigned overseas location outside the United States. OHA is based on cost reimbursement. The amount of OHA paid considers factors, such as whether the housing is shared, the appropriate utilities, and whether the Service member owns or rents the housing. A Service member is reimbursed actual rental costs, limited to the maximum OHA rate for each locality and grade. Requirements. A Service member authorized to live in private sector leased or owned housing or a Service member who qualifies for OHA based upon the need for private-sector housing for a dependent, must complete and submit a DD 2367 for approval of OHA. Payment of OHA

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requires a lease agreement or a verifiable purchase price. The senior officer of the Uniformed Services in the country concerned, or the individuals or offices designated for that purpose by the senior officer has approval authority. For a Service member with dependents serving on an unaccompanied tour Outside Continental United States (OCONUS) who is not provided Government quarters and must obtain private-sector housing, FSH-O is the applicable housing allowance, not OHA; see section 7.0 and paragraph 10.

b. In accordance with reference (c), OCONUS COLA is authorized for a Service member assigned to a permanent duty station (PDS) OCONUS to help maintain the equivalent purchasing power of the discretionary portion of spendable income as the Service member's counterparts based in the CONUS. This allowance compensates for the higher cost of goods and services OCONUS. To calculate the OCONUS COLA, the goods and services purchased in an area OCONUS, excluding housing, are compared to the cost of goods and services purchased in the CONUS. See paragraph 2.3 for special circumstances affecting OCONUS COLA. A Service member with a dependent is authorized OCONUS COLA based on the number of command-sponsored dependents at the PDS vicinity, regardless of Government dining facility availability. This includes when the Service member has a dining facility aboard ship available. Table 68-3 specifies exceptions. A Service member is authorized OCONUS COLA for all command-sponsored dependents, including a Federal employee who is a spouse or child and eligible for a post allowance in his or her own right. Paragraph 3.5 specifies OCONUS COLA authority for a Service member married to another Service member.

3.2.1. Start OCONUS COLA. Generally, OCONUS COLA starts on the day a Service member reports to a new PDS, the effective day of a home port change, or the day his or her dependent arrives before the Service member at either the new PDS or the new home port, as specified in paragraph 3.3. However, if the Service member is authorized a monetary allowance in lieu of transportation plus per diem (MALT Plus) on the reporting day, OCONUS COLA starts on the day after the Service member's reporting day.

3.2.2. Stop OCONUS COLA. OCONUS COLA stops the day before a Service member departs from OCONUS on a permanent change of station (PCS) order or the day before the effective date of a ships or units home port change unless any of the following occur:

3.2.2.1. An extension is authorized through the Secretarial Process; 3.2.2.2. OCONUS COLA is authorized during a PCS between PDSs in close proximity, when at the new PDS the member continues to commute from the residence occupied at the old PDS. OCONUS COLA continues during temporary duty enroute. If the COLA rate differs, the rate for the old PDS is paid through the day prior to the member's report date. COLA for dependents is paid as specified in paragraph 3.3.

c. On 2 November 2016, Petitioner signed a Dependency Application/Record of Emergency Data (NAVPERS 1070/602) listing dependents residing at [REDACTED], [REDACTED], [REDACTED], [REDACTED].

d. On 7 July 2017, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of

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departure of July 2017. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 7 August 2017 with a PRD of August 2020.

e. On 2 August 2017, Petitioner was issued official modification to change duty orders (BUPERS order: [REDACTED]) while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of August 2017. Petitioner's ultimate activity was [REDACTED], [REDACTED] for duty with an effective date of arrival of 5 September 2017 with a PRD of September 2009.

f. On 18 August 2017, Petitioner transferred from [REDACTED] and arrived at US [REDACTED] on 28 August 2017 for duty.

g. On 13 April 2020, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) with a required obligated service to May 2023, while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of April 2020. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 11 May 2020 with a PRD of May 2023. Furthermore, this transfer funded for member and authorized dependents as reflected on service record page two and other supporting documents.

h. On 20 April 2020, Petitioner was issued official modification to change duty orders (BUPERS order: [REDACTED] with a required obligated service to May 2022, while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of April 2020. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 11 May 2020 with a PRD of May 2022.

i. On 24 April 2020, Head, Pay and Allowances Section (N130C) notified Petitioner via Commanding Officer, [REDACTED] that in response to Req of 13 Apr 20 received complete by NI 30C via Email on 21 Apr 20, and in accordance with reference (b) paragraph 261002-B2a, you are authorized a continuation of housing and station allowances of your PDS [REDACTED] stationed in [REDACTED]. [REDACTED] This authorization is due to your unaccompanied eligible PCS orders to [REDACTED], stationed in [REDACTED], [REDACTED].

Financial Management Regulation, paragraph 261002-B2a states a member with dependents who serves in unaccompanied assignment may be authorized a dependent location-based housing allowance based on the old PDS or a designated place authorized during their previous assignment. The housing allowance shall continue until you arrive at the next command in connection with subsequent PCS orders detaching from [REDACTED]
[REDACTED]

In accordance with AP-TL-01, Tour Lengths and Tours of Duty Outside the Continental United States, a member with dependents who is assigned to [REDACTED], [REDACTED] for 24 months or less may elect an unaccompanied tour.

Family Separation Housing Allowance - Overseas may be authorized under Financial Management Regulation paragraph 261004 A.

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This letter does not guarantee Continued Logistics Support, Command Sponsorship, or protection under Status of Forces Agreement. These must be received from the Area Commander. Assignment to or authority to remain in family-type Government quarters or privatized housing is determined by the housing office.

j. On 4 May 2020, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 4 May 2020 for duty.

k. In accordance with reference (d), OCONUS: Members eligible for separation while serving on a permanent station OCONUS, except [REDACTED], unless immediately reenlisted on board, shall be transferred to the appropriate separation activity listed in this article, nearest to the port of debarkation in CONUS. Members should have their separation physical completed prior to transfer. At the member's request and with the approval of their commanding officer (CO), members eligible to be separated or discharged under honorable conditions, while serving at an overseas shore station, including [REDACTED], ships homeported overseas, or on board a ship with separation capabilities while in port OCONUS in other than belligerent countries, may be separated at their duty station subject to the following conditions: (1) Member's record does not reflect performance of duty which would bring discredit upon the U.S.; (2) Member has made application for a passport and visa for the area in which member will reside or travel at a time substantially prior to the normal date of separation, which will be accompanied by a statement from the CO relative to the date the member will be eligible for separation (under honorable conditions); (3) Member's request to the CO contains a statement that application has been made for a passport, that such passport will be granted upon separation, and that permission to remain in the foreign area has been, or will be, obtained; and (4) Enlisted members will have an entry to this effect made on a NAVPERS 1070/613 (10/81), Administrative Remarks, of the service record; or (5) Officers will have their orders modified as follows:....

l. On 28 December 2022, Petitioner signed a Record of Emergency Data (DD Form 93) listing dependent residing at [REDACTED], [REDACTED], [REDACTED]-[REDACTED].

m. On 5 January 2023, Commander, Fleet Activities [REDACTED] notified [REDACTED] District Immigration Office that "Conditional approval is hereby granted to [REDACTED], a member of the United States Navy, who is serving on active duty, to be separated in [REDACTED] provided he meets the requirements of the Immigration Bureau of [REDACTED]. Member's proposed date of separation is 1 August 2023."

n. On 25 January 2023, Commander, Fleet Activities [REDACTED] notified Petitioner that "[y]our letter 1910 Ser 00/409 of 28 December 2022 with/endorsement is approved for separation in J [REDACTED]. Commanding Officer, Strike Fighter Squadron [REDACTED] is required to ensure compliance with the requirements of [REDACTED] 1910.1Q prior to your separation."

o. On 27 February 2023, Petitioner was issued official retirement orders (BUPERS order: [REDACTED]) while stationed in [REDACTED], [REDACTED] with an effective date of departure of

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August 2023. Petitioner's home of selection was [REDACTED] with an effective date of retirement of 1 August 2023.

p. On 7 June 2023, Petitioner/witness signed an Application for Shipment and/or Storage of Personal Property (DD Form 1299) listing a pickup from [REDACTED], [REDACTED] and a destination to [REDACTED], [REDACTED].

q. Petitioner's Defense Finance and Accounting Service (DFAS) Military Leave and Earnings Statement (LES) for the period of 1 to 30 June 2023 listed the following entitlements: BASE PAY \$8,526.90, basic allowance for subsistence (BAS) \$452.56, basic allowance for housing (BAH) \$1,324.20, COLA \$440.00, and COLA DUAL \$303.33 for the following location [REDACTED] ([REDACTED] - [REDACTED] (AO)).

r. Petitioner retired with an honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 16 December 1992 to 31 July 2023 upon having sufficient service for retirement.

s. Petitioner's DFAS Military LES for the period of 1 to 31 July 2023 listed the following entitlements: BASE PAY -\$8,526.90, BAS -\$452.56, BAH -\$4,611.39, COLA -\$1,584.00, and COLA DUAL -\$1,092.01 for the following location ([REDACTED] - [REDACTED] (AO)).

t. Petitioner's DFAS Military LES for the period of 1 to 31 August 2023 listed the following entitlements: BASE PAY \$8,526.90, BAS \$452.56, BAH \$1,332.98, COLA \$454.67, and COLA DUAL \$313.44 for the following location ([REDACTED] - [REDACTED] (AO)).

u. On 1 September 2023, Petitioner's Master Military Pay Account listed the following (Leave): SB-LV ENTRY-OPEN-DT 2B0828 01 09 1 ENTRY-CLSD-DT 230901 05 09 1 ACTN 02 DEPART 230516 RTRN 230731 AUTH-NR KB00044 TYPE P ACCT-TYPE 6 DAYS-CCUNT 077 AREA 1 ENTRY-OPEN-CIOSD A ACCT-TYPE-CHG-1 230728.

v. On 1 March 2024, DFAS notified Petitioner of Indebtedness to the United States Government with a Total balance due of \$13,617.25 for the following reasons: "NPT debt is due to payments received after you entered a no pay status due to separation as of 07/31/2023. These payments are as follows: midmonth payment of \$4469.68, dated 08/15/2023 end month payment of \$4493.96, dated 08/30/2023. And OAA debt is due to overpayment of a military pay or allowance related entitlement from 05/16/2023 to 07/31/2023. This entitlement was OHA, COLA and Dual COLA. If you disagree with the validity or amount of your debt, please contact the Pay Office, DMPO, or AFAFO that placed you in debt and have them provide our office with proper documentation to alter or cancel your debt."

w. On 7 October 2024, DFAS notified the Honorable [REDACTED] United States Representative that "[t]his is in reply to your inquiry on behalf of [Petitioner] U.S. Navy (Ret), concerning his indebtedness with the Department of Defense.

In his inquiry, [Petitioner] states he noticed he was receiving pay after his retirement from the Navy. He informed the Navy and was advised to retain the funds for the

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eventual return to the Navy. [Petitioner] calculated the debt for erroneous funds to be \$11,080.55; but instead, he received a debt for \$13,651.27. [Petitioner] believes the Navy incorrectly indebted him for Oversea Housing Allowance (OHA) and [COLA] he believes he was entitled to receive.

[Petitioner] also states that on August 2, 2024, he called the [DFAS] to pay the debt. He was informed his debt balance at that time was \$11,230.62. He made the \$11,230.62 payment to us and believed his account was satisfied. However, on September 23, 2024, when he logged into to his account, he discovered he was still experiencing a deduction of \$829.87, and had outstanding balance owed of \$10,432.20. When he called DFAS about his account, DFAS told him because of the 3% interest applied to his account, he still owed \$31.73.

Review of [Petitioner's] account shows his debt is for the recoupment of pay and allowances he received after his retirement on July 31, 2023. He was also indebted for the recoupment of OHA and COLA from May 16 through June 30, 2023.

On September 19, 2023, the Navy indebted him for \$13,617.27. On September 26, 2023, the Navy transferred his account to our Debt and Claims Management Office for an audit and validation of his debt."

"On October 7, 2024, as a result of the overcollection, we will refund [Petitioner] \$798.14. Refund Voucher No. D 0008 will be mailed to him at the address of [REDACTED] [REDACTED], [REDACTED], [REDACTED]. If [Petitioner] should not receive payment within 30-days, please inform him to contact our office using one of the methods provided below.

[Petitioner] states that he believes he is entitled to the OHA and COLA that he was indebted for after his retirement. Unfortunately, we cannot alter nor cancel any portion of his debt without the appropriate documentation directly from the Navy."

x. On 18 September 2025, NAVSUP notified the Board that "[Petitioner], [REDACTED] retired from [REDACTED] and shipped [REDACTED] to [REDACTED]. Pick-up date: June 14, 2023. Delivery date: 05 Jul 23 in [REDACTED]."

y. On 12 September 2025, OPNAV N130C notified the Board that, "I believe you are looking for this reference from the FMR. Standard Allowances Definitions Specific to OCONUS COLA and TLA 2.1.1. Vicinity. ...If the Service member transfers to a new PDS in the same country, state, or U.S. territory or possession as the designated place, and the Service member is required to maintain two separate households (for example, the Service member cannot commute daily from the dependent's location to the PDS), then a second station allowance may be authorized or approved through the Secretarial Process. In this case, the dependent is not considered at or in the vicinity of the Service member's PDS even though located in the same country, state, or U.S. territory or possession.

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If he was approved a second allowance, COLA for [REDACTED] should've continued until the day of theember's separation date."

z. On 30 September 2025, Travel Voucher Summary (DO Voucher No. C011063) was issued and paid for on 2 October 2025 with a Start date of 14 June 2023, End date of 17 June 2023, Detach date of 14 June 2023, and Report date of 17 June 2023. Advances/Prior Payments: \$0.00. Total Entitlement: \$701.65. Total Charged to Acct. Class: \$701.65. Total Amount Payable: \$701.65. Due Employee: \$701.65. Furthermore, the following remarks were provided: "Process retirement travel settlement. Paid member MALT. Paid member Flat Per Diem. Per JTR 010301, paid Reimbursable Expense for tolls listed on DD1351-2 block 18 \$60.15 dollars. Member may submit a supplemental travel claim with receipts for tolls on 6/16/23 \$87.95 and on 6/17/23 \$90.83 dollars to be paid."

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following partial corrective action. The Board determined that on 24 April 2020, N130C notified Petitioner that he was authorized a continuation of housing and station allowances of his PDS at [REDACTED] while serving on PCS orders to [REDACTED] [REDACTED] stationed in [REDACTED], [REDACTED]. Petitioner was subsequently authorized to separate in [REDACTED] due to his intent to retire in [REDACTED]. Petitioner retired on 1 August 2023, however he incurred a debt due to the receipt of pay and allowances after his retirement. Petitioner acknowledges the debt for the erroneous pay he received after separation, however he disputes the debt for OHA, COLA and dual COLA for the period of 16 May 2023 to 30 June 2023 when he was on terminal leave. The Board determined that Petitioner was approved to separate in [REDACTED] and recommends that DFAS reaudit Petitioner's pay account for the period of 16 May 2023 to 31 July 2023; taking approval into consideration.

RECOMMENDATION

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

Petitioner was authorized to retire in [REDACTED] and was issued an administrative remarks (NAVPERS 1070/613) in accordance with reference (d).

Note: The DFAS will complete an audit of Petitioner's pay records to determine amounts due, if any for periods of 16 May 2023 to 31 July 2023 while on terminal leave in [REDACTED].

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

That no further changes be made to 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

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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.

11/24/2025

