



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

LCC:ddj
Docket No: 2409-03
10 June 2003

[REDACTED] CNO
[REDACTED] 034

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 10 June 2003. 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, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CNO memorandum 7220 Ser N130C3/03U0364 of 27 May 2003, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously 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,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO:

7220
Ser N130C3/ 03U0364
27 May 2003

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTIONS
OF NAVAL RECORDS

Via: Assistant for BCNR Matters, Pers-00XCB

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO


Ref: (a) DODFMR Volume 7A, Chapter 26, Feb 02
(b) NAVADMIN 230/01

Encl: (1) BCNR Case File #02409-03 w/Microfiche Service
Record

1. Per your request, the following recommendation concerning enclosure (1) is provided.
2. Enclosure (1) is a request for retroactive payment of Basic Allowance for Housing (BAH) based on the location of his resident (Jacksonville, FL) vice his Permanent Duty Station USS NEBRASKA (SSBN 739), Kings Bay, GA.
3. IAW reference (a) BAH entitlement is based on the members Permanent Duty Station (PDS). A review of the petitioner's Master Military Pay Account (MMPA) revealed that he reported PCS to USS NEBRASKA (SSBN 739), Kings Bay, GA, which is his permanent duty station where his BAH was started for IAW reference (a).
4. IAW reference (b), BAH is authorized at their old PDS when reassigned within the United States is under NO COST/CLOSE proximity PCS moves. This change was designed to correct inequities in entitlement rules involving adjacent housing areas with different BAH rates for all service members and provides greater flexibility in housing options. Verification of the petitioner's MMPA revealed that the petitioner was never assigned a duty station in Jacksonville, FL.
5. Therefore, N130C recommends disapproval of the petitioner's request.



Assistant Head, Pay and
Allowances Section (N130C)