



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

LCC:ddj

Docket No: 6816-99

14 December 1999

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



Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) CNO memorandum 7220 SER N130/14 October 1999
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show Petitioner was entitled to overseas station allowances at the rate for Atsugi, Japan vice Yokosuka, Japan. Only the location of entitlement changes, everything else remains the same.

2. The Board, consisting of Messrs. Exnicios, George, and Goldsmith, reviewed Petitioner's allegations of error and injustice on 14 December 1999 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, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

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

a. BuPers modified the order reassigning Petitioner to Japan to include the statement "for the purpose of overseas station allowances and transportation of dependents and household goods, Atsugi, Japan will be used as the permanent duty station".

b. The location/rate authorized for payment of overseas station allowances for individuals assigned to "Yokosuka, Japan" was changed to "Atsugi, Japan" effective **14 August 1996**.

c. Petitioner is authorized payment of monies for overseas station allowances for Atsugi, Japan effective **14 August 1996** or date reported whichever is later until date of departure from Atsugi, Japan or through **3 August 1999** whichever is earlier. Period of actual entitlement will be obtained from reviewing Petitioner's military pay account.


d. Petitioner's entitlement to overseas station allowances will be based on overseas station allowances for "Atsugi, Japan" vice "Yokosuka, Japan". None of the variables/criteria affecting the amount of entitlement to the overseas station allowances was changed. The increase in monies due will be computed based on the change of entitlement to the locality code to "Atsugi, Japan. Petitioner did not make a move and this correction is based only on the change made to the geographical location of entitlement, i.e., locality code.

(NOTE: Computation for amount due was not furnished.)

e. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that 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 entitled matter.

ROBERT D. ZSALMAN
Recorder


G. L. ADAMS
Acting Recorder

Docket No: 6816-99

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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

14 December 1999



W. DEAN PFEIFFER
Executive Director