



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

LCC:ddj
Docket No: 7440-98
11 May 1999

HM3 [REDACTED] USN

Dear [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 11 May 1999. 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 N130C3/062-99 of 30 March 1999, 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
WASHINGTON, DC 20350-2000

IN REPLY REFER TO
7220
Ser N130C3/062-99
30 Mar 99

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
HM3 [REDACTED] USN, [REDACTED]

Ref: (a) Joint Federal Travel Regulations, Volume 1

Encl: (1) BCNR Case File #07440-98 w/Microfiche Service
Record

1. Per your request, the following recommendation concerning enclosure (1) is provided.
2. The petitioner is requesting payment of Basic Allowance for Housing (BAH) based on the location of his dependents (White Plains, NY) vice his permanent duty station (Camp Pendleton, CA).
3. Per reference (a), Appendix P, para. P8003-B2a(5), BAH based on dependents location is authorized in a Permanent Change of Station (PCS) move only when the old PDS and the new PDS are in the same proximity to each other, provided that a household goods (HHG) move was not authorized and that the member commutes daily from his home to his new PDS.
4. A review of enclosure (1), revealed that the petitioner's old PDS (Great Lakes, IL) and the new PDS (Camp Pendleton, CA) are not in proximity to each other. Therefore, the petitioner is not eligible for BAH based on the location of his dependents.

[REDACTED]
Assistant Head, Pay and
Allowances Section (N130C)