



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

LCC:ddj  
Docket No: 339-01  
12 June 2001

[REDACTED]

[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 12 June 2001. 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 CMC memorandum 7000 MMIA of 17 May 2001, 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  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

7000  
MMIA  
17 May 01

From: Head, Manpower Integration and Administration Branch  
To: Head, Performance Evaluation Branch

Subj: REQUEST FOR BAH AT THE MEMBER'S DEPENDENT'S LOCATION ICD  
STAFF SERGEANT ROBERT JONES, JR. 04674/0386/0193 USMC

Ref: (a) DoD 7000.14-R (DoDFMR)  
(b) SECNAVINST 7220.82

Encl: (1) [REDACTED] Application for Correction of Military  
Record dtd 17 Jan 01

1. A review of our records indicates that Staff Sergeant [REDACTED] did not request a waiver to receive BAH at his dependents location to this Headquarters as is required by reference (a).
2. We have conducted a review of Staff Sergeant Jones' BCNR request and determined that he is not entitled to BAH at the rate prescribed for his family members' location in conjunction with his PCS to Commanding Officer, 3d Battalion, 4th Marines, 1st Marine Division, Camp Pendleton, CA (MCC V34) for duty. Table 26-9 of reference (a) states that a member may be authorized BAH for his family members' location if, for example, he is being assigned to an area on the critical housing list, he is being issued orders which do not allow the relocation of his family members at government expense, or if conditions at the new PDS require the family members to reside at a separate location. Staff Sergeant Jones' case does not meet either one of these criteria. Staff Sergeant Jones received orders that authorized his family to relocate to Camp Pendleton, CA at government expense. Reference (b) specifically precludes this Headquarters from authorizing BAH at the family members' location rate based solely of personal election of either member and/or his family members to not relocate.
3. [REDACTED] recently received permanent change of assignment orders to Commanding Officer, Marine Corps Communication Electronic School, Twenty-nine Palms, CA (MCC K18) for duty. [REDACTED] can request to receive BAH at the family members' location rate under this new set of orders. If approved, the effective date of the approval will be the join date to the new duty station.

Subj: REQUEST FOR BAH AT THE MEMBER'S DEPENDENT'S LOCATION ICO  
STAFF SERGEANT [REDACTED]

4. The point of contact at this Headquarters is SSgt [REDACTED]  
[REDACTED] MMIA, DSN 278-9211/12, or commercial [REDACTED]

[REDACTED]

[REDACTED]  
By direction [REDACTED]