



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

LCC:ddj
Docket No: 5594-02
24 September 2002

[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 24 September 2002. 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 N130C3/02U0471 of 28 August 2002, 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

7220
Ser N13009/0210471
28 Aug 2002

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


Via: Assistant for BCNR Matters, Pers-00XCB

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO


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

Encl: (1) BCNR Case File #05594-02 w/Microfiche Service
Record

1. Per your request the following recommendation concerning enclosure (1) is provided.
2. Enclosure (1) indicates a request for retroactive pay of Overseas Housing Allowance. (OHA) at the "with dependent" rate from 15 January 2002 (date of entry) to 4 May 2002, the date dependents joined the member at Corry Station, Pensacola, FL Permanent Duty Station (PDS).
3. A review of enclosure (1), revealed that the petitioner enlisted in the Navy at Fort Buchanan, San Juan, Puerto Rico Military Entry Processing Station (MEPS) effective 11 Dec 2001 and entered into Delayed Entry Program (DEP). The petitioner left for Recruit Basic Training, Great Lakes, IL (active duty) on 15 January 2002, the dependents stayed behind at the following address: RD 1 KM 30.2 Los Apostoles 27D Caguas, PR. The dependents joined the member on 4 May 2002.
4. In accordance with reference (a) paragraph U9100-A, OHA is authorized to assist a member in defraying the excess housing costs incurred during an assignment to a Permanent Duty Station (PDS) outside the United States. A review of the petitioner's Master Military Pay Account (MMPA) revealed that BAH was paid for the period in question. BAH is the appropriate housing allowance in these circumstances.
5. N130E recommends disapproval of the petitioner's request for retroactive payment of OHA at with-dependents rates from 15 January-4 May 2002 IAW reference (a).


Head, Travel and Transportation
Allowances Section (N130E)