



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

BAN
Docket: 01918-11
18 May 2011

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

Subj: REVIEW OF NAVAL RECORD [REDACTED]

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

Encl: (1) DD Form 149 w/attachments
(2) Office of the Chief of Naval Operations (CNO) memo
5420 Ser N130C1/11U0336 of 26 Apr 11

1. Pursuant to the provisions of reference (a) Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show that he was authorized overseas cost of living allowance (COLA) at the zero dependent rate from 26 February 2009 to 5 February 2011 while stationed in Japan in government quarters.

2. The Board, consisting of Messrs. Pfeiffer, Exnicios, and George reviewed Petitioner's allegations of error and injustice on 16 May 2011 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. Petitioner is married to a fellow service member (mil-to-mil). Both were serving in "sea duty" billets in Japan and occupied government quarters.

c. Petitioner originally had been receiving overseas COLA at a reduced rate. However, the COLA was later withdrawn by the personnel support detachment (PSD) due to a misinterpretation of the Joint Federal Travel Regulation (JFTR) manual.

e. In February 2011, Petitioner submitted an application with this Board seeking a change to his record to show that he was authorized to received overseas COLA at the zero dependent rate while in a mil-to-mil status from 26 February 2009 to 5 February 2011.

f. In correspondence attached as enclosure (2), the office having cognizance over his entitlement of COLA 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. Petitioner is authorized overseas COLA at the zero dependent rate from 26 February 2009 to 4 February 2011.

b. 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


WILLIAM J. HESS, III
Acting Recorder

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.

18 May 2011

A handwritten signature in black ink, appearing to read "Robert D. Zsalmán", written in a cursive style.

ROBERT D. ZSALMAN
Acting Executive Director