



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

LCC:ddj  
Docket No: 167-02  
14 May 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 14 May 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 N130C3/02U104 of 8 March 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 IN REPLY REFER TO  
Ser N130C3/ 02U0104  
8 Mar 2002

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  
[REDACTED]

Ref: (a) DODFMR Volume 7A, Chapter 26, Sep 00  
(b) NAVADMIN 230/01

Encl: (1) BCNR Case File #00167-02 w/Microfiche Service  
Record

1. Per your request, the following recommendation concerning enclosure (1) is provided.
2. Enclosure (1) indicates a request for retroactive payment of Basic Allowance for Housing (BAH) at the w/dependent rate for Marysville, WA (dependent location) vice his Permanent Duty Stations (PDS) from 8 Nov 2000 to 1 Oct 2001.
3. A review of the petitioner's Master Military Pay Account (MMPA) revealed that he reported PCS to Naval Intermediate Maintenance Facility, Pacific Northwest, Bangor, WA on 30 Oct 2000. IAW reference (a) BAH entitlement is based on the members Permanent Duty Station (PDS).
4. IAW reference (b), BAH is authorized at their old PDS when reassigned within the United States is under NO COST/CLOSE PROXIMITY PCS moves. These changes are designed to correct inequities in entitlement rules involving adjacent housing areas with different BAH rates. The petitioner's old PDS was USS ABRAHAM LINCOLN (CVN-72) homeport location Everett, WA. The old and new PDS is not considered in proximity to each other.

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EM1 (C) [REDACTED]

5. N130C recommends disapproval of the petitioner's request for retroactive payment of BAH at dependents location.

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