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

LCC:ecb
Docket No: 7525-00
13 December 2000

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

Subj: [redacted]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 w/attachments
(2) CNO memo 7220 Ser N130/187-99 dtd 14 Oct 1999
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show Petitioner was entitled to Overseas Station Allowances (OSA) at the rate for Atsugi, Japan vice Yokosuka, Japan. Only the location of entitlement changes, everything else remains the same.

2. The Board, consisting of Messrs. Exnicios, Goldsmith, and Pfeiffer, reviewed Petitioner's allegations of error and injustice on 11 December 2000 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. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application 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.

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RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:

a. BuPers modified the order reassigning Petitioner to Japan to include the statement "for the purpose of Overseas Station Allowances and transportation of dependents and household goods, Atsugi, Japan will be used as the permanent duty station".

b. Petitioner was authorized payment of OSA for "Atsugi, Japan, Locality Code 041", vice "Yokosuka, Japan, Locality Code 061". All other posted criteria remains the same. Payment will be made from **14 August 1996** or date reported, whichever is **later**, until **3 August 1999** or date departed, whichever is **earlier**. Petitioner did not make a move, and the correction is a result of a change in the geographical location of the entitlement. (NOTE: Petitioner was discharged 2 August 1999 and his mailing address is [redacted])

c. If the total entitlement to OSA should result in a debt to the Petitioner, the Petitioner has requested that the amount of the erroneous payment be waived and the Board approved the request.

d. 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

for G. L. ADAMS
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.

13 December 2000

W. DEAN PFEIFFER
Executive Director