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SUBJ/CLARIFICATION TO CLOSE PROXIMITY MOVE POLICY AND ELIGIBILITY TO RECEIVE BASIC ALLOWANCE FOR HOUSING BASED ON PREVIOUS PERMANENT DUTY STATION//

REF/A/DOC/TITLE 37 US CODE SEC 403/3JAN07//

REF/B/DOC/JFTR 1NOV08//

REF/C/DOC/OPNAVINST 7220.12/24DEC05//

REF/D/MSG/NAVADMIN 026/09//

REF/E/DOC/N130 CLOSE PROXIMITY MOVE GUIDANCE/8JUN09//

NARR/REF A IS THE LAW GOVERNING BASIC ALLOWANCE FOR HOUSING (BAH). REF B IS REGULATIONS GOVERNING BAH FOR THE UNIFORMED SERVICES. REF C IS THE NAVY'S BAH POLICY. REF D IS ORDER WRITING POLICY CHANGE IN REGARDS TO CLOSE PROXIMITY MOVES. REF E IS N130 POLICY MEMO OUTLINING PROCEDURES FOR MEMBERS TO QUALIFY FOR A CLOSE PROXIMITY MOVE.//

RMKS/1. THIS NAVADMIN CLARIFIES ELIGIBILITY AND PROCEDURES FOR EXECUTION OF A CLOSE PROXIMITY MOVE. THE FOLLOWING POLICY IS IN ACCORDANCE WITH REFS A AND B AND SUPERSEDES ANY GUIDANCE ON BASIC ALLOWANCE FOR HOUSING (BAH) AS IT PERTAINS TO CLOSE PROXIMITY MOVES LISTED IN REFS C AND D.

2. SERVICE MEMBERS WHO HAVE NOT EXECUTED THEIR ORDERS ARE ELIGIBLE TO REMOVE THE HOUSEHOLD GOODS (HHG) FUNDING FROM THOSE ORDERS IN ORDER TO FALL UNDER THE PROVISIONS OF A CLOSE PROXIMITY MOVE AND MAY BE ELIGIBLE TO RECEIVE BAH BASED ON THE PREVIOUS PERMANENT DUTY STATION (PDS).

3. SERVICE MEMBERS WITH OR WITHOUT DEPENDENTS WHO ARE REASSIGNED WITHIN THE CONTINENTAL UNITED STATES, MAINTAIN AN ESTABLISHED RESIDENCE, AND STILL COMMUTE DAILY TO THEIR NEW PDS OR HOMEPORT, MAY QUALIFY FOR BAH BASED ON THEIR PREVIOUS PDS UNDER THE PROVISIONS OF A CLOSE PROXIMITY MOVE. TO QUALIFY FOR BAH BASED ON THE PREVIOUS PDS, THE FOLLOWING PROVISIONS MUST BE MET:

A. FUNDING FOR A HHG MOVE MUST NOT BE AUTHORIZED. THE CURRENT ORDER WRITING SYSTEM AUTOMATICALLY ASSIGNS HHG FUNDING TO A MEMBER'S ORDERS WHEN THE PREVIOUS PDS AND NEW PDS ARE MORE THAN 30 MILES APART. IN THESE CASES, MEMBERS WOULD NOT BE ELIGIBLE TO RECEIVE BAH BASED ON THE PREVIOUS PDS. HOWEVER, THESE MEMBERS CAN REQUEST THROUGH THEIR DETAILERS TO REMOVE THAT FUNDING LINE TO BECOME ELIGIBLE FOR BAH BASED ON THE PREVIOUS PDS. THIS REMOVAL MUST BE COMPLETED PRIOR TO THE MEMBER EXECUTING THE ORDERS OR NO AUTHORIZATION/APPROVAL FOR BAH BASED ON THE PREVIOUS DUTY STATION CAN BE GRANTED. THERE IS NO RETROACTIVE APPROVAL PROCESS OR WAIVER FOR GRANTING BAH AT THE PREVIOUS PDS IF ORDERS ARE EXECUTED THAT INCLUDE HHG FUNDING AUTHORIZATION.

B. THE MEMBER MUST MAINTAIN A CONTINUOUS RESIDENCE. THE MEMBER MUST HAVE ESTABLISHED A CONTINUOUS RESIDENCE AT THE PREVIOUS PDS PRIOR TO RECEIVING HIS/HER NEW ORDERS. IF THE MEMBER MOVES AFTER THE ISSUE

DATE OF ORDERS, REGARDLESS OF WHETHER OR NOT THE MEMBER MOVED AT PERSONAL EXPENSE, THERE IS NO AUTHORIZATION FOR BAH BASED ON THE PREVIOUS PDS.

C. THE MEMBER MUST COMMUTE DAILY TO THE NEW PDS FROM THE SAME RESIDENCE. THERE IS NO DISTANCE ESTABLISHED THAT CONSTITUTES A "REASONABLE COMMUTING DISTANCE." THE MEMBER MUST SIMPLY COMMUTE FROM AND TO THE PREVIOUSLY ESTABLISHED RESIDENCE EACH DAY TO QUALIFY FOR THIS PDS-BASED ALLOWANCE. HOWEVER, IN THE REQUEST FOR THIS PDS-BASED ALLOWANCE, THE COMMANDING OFFICER OF THE MEMBER'S GAINING COMMAND MUST VERIFY THAT THE COMMUTING DISTANCE IS "REASONABLE" OR NORMAL FOR THE GEOGRAPHIC LOCATION OF THE COMMAND. FOR EXAMPLE, COMMUTING FROM WASHINGTON DC TO NORFOLK WOULD NOT BE CONSIDERED "REASONABLE" BECAUSE IT IS NOT A NORMAL COMMUTE. A NOTE ON THE REQUEST MUST SAY, "IT IS (REASONABLE/UNREASONABLE) TO SAY THAT THE MEMBER COULD COMMUTE TO AND FROM HIS RESIDENCE EACH DAY."

4. BACK-TO-BACK CLOSE PROXIMITY MOVES. A MEMBER WHO QUALIFIES (AS STIPULATED ABOVE) AND EXECUTES BACK-TO-BACK CLOSE PROXIMITY MOVES THAT RESULT IN A RETURN TO A PERMANENT DUTY STATION IN THE ORIGINAL MILITARY HOUSING AREA IS GENERALLY NOT AUTHORIZED TO MAINTAIN BAH AT THE PREVIOUS PDS RATE. IN THIS CASE, THE MEMBER MAY EXPERIENCE A REDUCTION IN BAH, SINCE THE MEMBER'S HOUSING DECISION WAS MADE BASED ON THE LAST PCS MOVE THAT AUTHORIZED REASSIGNMENT TO THAT GEOGRAPHIC AREA. WHAT OCCURS IN THIS CIRCUMSTANCE IS MERELY A RETURN TO A PREVIOUSLY AUTHORIZED BAH IN THE SAME GEOGRAPHIC AREA IN WHICH THE MEMBER HAS CONTINUOUSLY RESIDED. EXAMPLE: A SAILOR ASSIGNED TO PDS CAMP PENDLETON IS ORDERED TO PDS SAN DIEGO. THE SAILOR IS SUBSEQUENTLY ORDERED BACK TO THE ORIGINAL PDS, CAMP PENDLETON. THE SAILOR'S BAH IS AS FOLLOWS:

CAMP PENDLETON - CAMP PENDLETON RATE (BAH BASED ON PDS).

SAN DIEGO - SAN DIEGO RATE (BAH BASED ON PDS).

CAMP PENDLETON - CAMP PENDLETON RATE (BAH BASED ON PDS).

A. IN A CASE IN WHICH A MEMBER EXECUTES A CLOSE PROXIMITY MOVE AND REQUESTS TO MAINTAIN BAH AT THE PREVIOUS DUTY STATION RATE, AND THEN RECEIVES A NEW SET OF ORDERS TO THE CURRENT DUTY STATION LOCATION, THE MEMBER IS AUTHORIZED TO CONTINUE TO MAINTAIN THE PREVIOUS DUTY STATION RATE, SO LONG AS THE MEMBER CONTINUES TO MAINTAIN THE CURRENT RESIDENCE. EXAMPLE: A SAILOR ASSIGNED TO PDS SAN DIEGO IS ORDERED (RELOCATION NOT AUTHORIZED) TO PDS CAMP PENDLETON. THE SAILOR IS SUBSEQUENTLY ISSUED ANOTHER SET OF ORDERS TO PDS CAMP PENDLETON.

THE SAILOR'S BAH IS AS FOLLOWS:

SAN DIEGO - SAN DIEGO RATE (BAH BASED ON THE PDS) CAMP PENDLETON - SAN DIEGO RATE (BAH BASED ON THE PREVIOUS PDS) CAMP PENDLETON - SAN DIEGO RATE (BAH BASED ON THE PREVIOUS PDS)

B. IF A MEMBER EXECUTES A CLOSE PROXIMITY MOVE AND REQUESTS TO MAINTAIN BAH AT THE PREVIOUS DUTY STATION RATE, AND SUBSEQUENTLY EXECUTES A MOVE AT PERSONAL EXPENSE, NOT UNDER PCS ORDERS, THE MEMBER LOSES AUTHORIZATION FOR BAH AT THE PREVIOUS DUTY STATION RATE. BAH AT THE PREVIOUS DUTY STATION RATE WAS INTENDED TO ALLOW THE MEMBER TO MAINTAIN A PREVIOUSLY ESTABLISHED RESIDENCE, NOT TO ESTABLISH A NEW RESIDENCE. IF BAH AT THE PREVIOUS DUTY STATION IS STILL WARRANTED, THE MEMBER MUST REQUEST NEW AUTHORIZATION FROM COMMANDER, NAVY PERSONNEL COMMAND (PERS-451H), PROVIDING JUSTIFICATION FOR THE MOVE. (SAVING THE GOVERNMENT THE EXPENSE OF A HOUSEHOLD GOODS MOVE DOES NOT CONSTITUTE JUSTIFICATION FOR BAH AT THE PREVIOUS PERMANENT DUTY STATION.) 5. TO

RECEIVE BAH BASED ON THE OLD PDS, THE MEMBER MUST COMPLETE THE BELOW STEPS PRIOR TO THE EXECUTION OF ORDERS:

A. REQUEST AUTHORIZATION FROM THE GAINING COMMANDING OFFICER TO RECEIVE BAH BASED ON HIS/HER PREVIOUS DUTY STATION. GAINING COMMANDING OFFICERS SHOULD ENSURE THAT MEMBER IS MAINTAINING A CONTINUOUS RESIDENCE AND THAT THE COMMUTING DISTANCE FROM THAT CONTINUOUS RESIDENCE IS REASONABLE FOR THE GEOGRAPHIC LOCATION OF THE ASSIGNMENT.

B. IF APPROVED BY THE GAINING COMMANDING OFFICER, THE MEMBER MUST SEND THE APPROVAL LETTER TO HIS/HER DETAILER IN ORDER TO GET THE HHG FUNDING REMOVED FROM HIS/HER ORDERS. IF FUNDING MUST REMAIN IN SUPPORT OF INTERIM TDY STOPS, DETAILER MUST INCLUDE A SPECIFIC NOTE IN THE ORDER MODIFICATION THAT INDICATES FUNDING REMAINS ONLY FOR TDY TRAVEL, AND THAT HHG FUNDING HAS BEEN REMOVED. NOTE: TO STREAMLINE THE PROCESS, CO APPROVAL LETTERS SHOULD BE SENT FROM THE MEMBER DIRECTLY TO THE MEMBER'S DETAILER; REQUESTS SHOULD NOT BE FORWARDED TO PERS-451H AS PREVIOUSLY INDICATED IN REFERENCE (C).

C. ONCE HHG FUNDING IS REMOVED FROM THE ORDERS AND THE ORDERS ARE RE-ISSUED, THE MEMBER MUST TAKE THE APPROVAL LETTER AND THE ORDERS TO PSD UPON CHECK IN TO THE GAINING COMMAND TO HAVE BAH BASED ON THE PREVIOUS DUTY STATION CONTINUED.

D. THE TEMPLATES FOR THE REQUEST AUTHORIZATION AND THE APPROVAL LETTER MAY BE FOUND IN ENCLOSURE (1) AND ENCLOSURE (2) OF REFERENCE (E). THESE DOCUMENTS ARE POSTED ON THE OPNAV N130 WEBSITE AT: [HTTP://WWW.NPC.NAVY.MIL/CAREERINFO/PAYANDBENEFITS/N130/N130C.HTM](http://www.npc.navy.mil/careerinfo/payandbenefits/n130/n130c.htm)

6. IF CO APPROVAL IS NOT RECEIVED, HHG FUNDING IS NOT REMOVED, AND ORDERS ARE NOT RE-ISSUED PRIOR TO THE EXECUTION OF ANY PART OF THE ORDERS, THE MEMBER IS NOT ELIGIBLE FOR A CLOSE PROXIMITY MOVE OR BAH AT THE PREVIOUS PERMANENT DUTY STATION. ONCE ANY PART OF THE ORDERS HAVE BEEN EXECUTED AND/OR THE MEMBER REPORTS TO THE NEW COMMAND, THE CO DOES NOT HAVE THE AUTHORITY TO APPROVE THE CLOSE PROXIMITY MOVE, THE DETAILER DOES NOT HAVE THE AUTHORITY TO RETROACTIVELY REMOVE HHG FUNDING FROM THE ORDERS AND THE PSD DOES NOT HAVE THE AUTHORITY TO PAY BAH BASED ON THE PREVIOUS PDS.

7. WITH THE APPROVAL FOR A CLOSE PROXIMITY MOVE AND BAH AT THE PREVIOUS DUTY STATION, A MEMBER WILL FORFEIT THE AUTHORIZATION FOR ALL TRAVEL AND TRANSPORTATION ALLOWANCES.

8. THIS POLICY DOES NOT APPLY TO MEMBERS WHO ARE RECEIVING BAH BASED ON THEIR DEPENDENTS' LOCATION AT THE PREVIOUS PDS AND SUBSEQUENTLY RECEIVE NEW ORDERS IN THE VICINITY OF THEIR DEPENDENTS' RESIDENCE. ALLOWANCES MAY ONLY BE BASED ON THE PREVIOUS PERMANENT DUTY STATION, NOT ON THE LOCATION IN WHICH THE DEPENDENTS ARE RESIDING.

9. COMMANDS WITH QUESTIONS REGARDING THIS POLICY CHANGE ARE ENCOURAGED TO CONTACT THEIR LOCAL PSD FOR CLARIFICATION. PSD PERSONNEL WITH QUESTIONS MAY CONTACT: LT BRANDI MCGEHEE, OPNAV N130C, (703)695-3304 OR EMAIL AT BRANDI.MCGEHEE(AT)NAVY.MIL OR NXAG\_N130C2(AT)NAVY.MIL.

10. RELEASED BY VADM MARK FERGUSON, N1.//

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