



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, Suite 1001
ARLINGTON, VA 22204

JET
Docket No. NR2737-14
5 Dec 14

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

Subj: REVIEW OF NAVAL RECORD ICO
[REDACTED]

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

Encl: (1) DD Form 149 w/attachments
(2) CNO memo 7220 Ser N130D/14U0802 of 23 Jun 14
(3) OCNNO Policy Decision Memorandum (PDM) 008-13 of
26 Apr 13
(4) OS2 Westhafer's rebuttal rec'd 19 Aug 14
(5) CNO memo 7220 Ser N130D/14U1180 of 9 Sep 14
(6) OS2 Westhafer's email of 14 Oct 14 rec'd 6 Nov 14
via [REDACTED]

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 establish entitlement to Sea Duty Incentive Pay-Back-to-Back (SDIP-B).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 25 November 2014 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 March 2013 Petitioner was stationed aboard USS STOCKDALE (DDG 106), and Petitioner was a second class petty

officer at the time. Petitioner claims that he originally submitted his SDIP request on 13 August 2013. However, "due to the process of the negotiating for orders, the paperwork was not signed until September 12, 2013." BUPERS message 100939Z OCT 13 disapproved Petitioner's request because it was not submitted within the 11-13 month criteria that SDIP requests are required to be submitted. See enclosure (1). Petitioner had also been issued orders on 25 September 2013 to the USS HARRY S. TRUMAN before having received an approval for SDIP from Navy Personnel Command (NPC).¹

c. On 25 November 2013 Petitioner applied to the Board to correct his record to establish entitlement to SDIP-B claiming that "The detailers led me and my CCC to believe that the SDIP request would be approved per reference (b), and the orders released in September after my SDIP-B request approval." See enclosure (1). Petitioner has submitted no justification as to why Enlisted Personnel Action Request (NAVPERS 1306/7) was not submitted within the required 11-13 month criteria.

d. In enclosure (2), the office having cognizance over the subject matter recommended the request be denied, noting that the main disqualifying factor that Petitioner did not qualify for the SDIP-B pay was because he did not submit the Enlisted Personnel Action Request (NAVPERS 1306/7) prior to selection for follow on sea tour orders.

e. On 19 August 2014, BCNR received Petitioner's rebuttal to enclosure (2). See enclosure (4). Petitioner's rebuttal was submitted to try and establish a processing timeline of SDIP requests by NPC. His rebuttal also included a copy of MILPERSMAN 1000-025, Personnel Transaction Timeliness. However, this did not provide justification for Petitioner submitting his NAVPERS 1306/7 late.

f. In enclosure (5), the office having cognizance over the subject matter reviewed Petitioner's rebuttal in enclosure (4) and recommended the request be denied. The advisory noted first that Petitioner's "1306/7 was not submitted between 11-13 months prior to his PST and he received orders before an approval message was released. Per Reference (a), [REDACTED] is not eligible for SDIP." Lastly, the advisory stated that "MILPERSMAN 1000-

¹ Enclosure (3), OPNAV Policy Decision Memorandum (PDM) 008-13 dated 26 Apr 13, states, para. 6.b. To be eligible for SDIP, a Sailor must: (5) Have requested and been approved for an SDIP Extension or Curtailment prior to receipt of follow-on Permanent Change of Station (PCS) orders."

025 CH-26 does not apply to Naval Personnel Command Staff. This MISLPERSMAN applies to PSDs and the afloat units they service."

g. On 6 November 2014, BCNR received a Congressional from Congressman Rigell's office forwarding an email dated 14 October 2014 between [REDACTED] and [REDACTED], and also a handwritten timeline from Petitioner of how long his SDIP request was allegedly held up in the processing for submission as additional information to his case. See enclosure (6). These additional documents, however, failed to take into consideration the 4-6 months short of the 11-13 month SDIP criteria he failed to meet, would have allowed him the added time he required to have his SDIP request approved prior to him receiving orders as required by enclosure (3).

CONCLUSION:

Upon review and consideration of all the evidence of record, notwithstanding the comments contained in enclosure (2), the Board concludes that Petitioner's request warrants favorable action. The Board substantially concurs with Petitioner that he reasonably believed his detailer that his SDIP-B would be approved and his orders released in September after his SDIP-B request approval. Additionally, the Board concluded that since the Petitioner accepted orders to another ship and is currently doing back-to-back sea duty in an attempt to meet the intent of the program, he should receive favorable consideration despite failing to submit a timely request.

RECOMMENDATION:

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

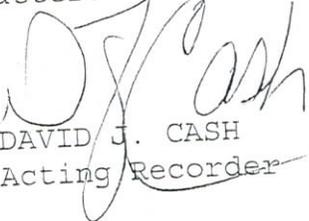
a. Petitioner submitted a 1306/7 dated 13 August 2013 and it was approved by his commanding officer on 12 September 2013, and that it was then approved by higher competent authority on 24 September 2013, one day before he received orders to the USS HARRY S. TRUMAN.

b. Petitioner is entitled to SDIP-B, at the rate of \$500.00 a month for 24 months (length of Petitioner's current tour length) a total of \$12,000, minus taxes if applicable; to be paid in a lump sum, while attached to the USS HARRY S. TRUMAN (CVN 75) commencing on or about 22 April 2014.

c. Note: In accordance with the guidance of PDM 008-13 dated 26 Apr 13, Petitioner must first contact his Personnel/Administrative Department and sign and date a written SDIP-B agreement NAVPERS 1070/613 (Page 13) before he can be paid the SDIP. Petitioner's Personnel/Administrative Department should forward a copy of the Page 13 to Navy Personnel Command (NPC) via fax to [REDACTED]

d. A copy of this Report of Proceedings will 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.


DAVID J. CASH
Acting Recorder

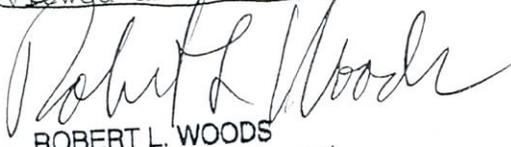
5. The foregoing action of the Board is submitted for your review and action.


ROBERT J. O'NEILL
Executive Director

Reviewed and Approved:

2/20/15

~~Reviewed and Disapproved:~~


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