



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

[REDACTED]
Docket No. 2235-16
JAN 03 2017

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

Subj: REVIEW OF NAVAL RECORD ICO

[REDACTED] USN, [REDACTED]

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

- Encl: (1) DD Form 149 w/attachments
(2) BUPERS Order 2612 of 26 Sep 12
(3) NAVPERS 1306/7 of 28 Apr 15
(4) BUPERS Order 2045 of 23 Jul 15
(5) NAVPERS 1306/7 of 14 Oct 15
(6) COMNAVPERSCOM Millington TN msg 032211Z Dec 15
(7) OCNO Policy Decision Memorandum (PDM) 008-13 of 26 Apr 13
(8) OCNO memo 7220 Ser N130D/16U0974 of 7 Jul 16

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 29 September 2016 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 April 2015 Petitioner was stationed aboard Naval Special Warfare Group [REDACTED] Logistics and Support Unit Sea, and Petitioner was a Chief Petty Officer at the time. [Petitioner's projected rotation date (PRD) was December 2015.] On 28 April 2015, Petitioner submitted an Enlisted Personnel Action Request (NAVPERS 1306/7), requesting back-to-back sea duty for order to Navy Mobile Construction Battalion [REDACTED] Petitioner's application claims "I was deployed from Apr15 to Sep15 and was not made aware of my

eligibility for SDIP when selected for orders. I received hard copy orders on 23Jul15." See enclosures (1) through (4).

c. Petitioner's application further claims "Upon return from deployment with SEAL Team [REDACTED] the CCC notified me of SDIP eligibility." On 14 October 2015, Petitioner submitted a NAVPERS 1306/7 requesting back-to-back sea tour for 36 months in order to receive SDIP. His Commanding Officer signed off on it on 19 October 2015. Petitioner claims that the request was submitted prior to him executing his orders; however, he claims he "received a disapproval message due to submission after I was issued hard copy orders." See enclosures (5) and (6).

d. OPNAV Policy Decision Memorandum (PDM) 008-13 dated 26 April 2013, states that "Eligible Sailors desiring SDIP-B must submit their request for a Back-to-Back sea tour 11 to 13 months prior to their PRD." Petitioner's initial NAVPERS 1306/7 request of 28 April 2015 was submitted 8 months prior to his PRD of December 2015, though prior to him receiving orders. His second NAVPERS 1306/7 request of 14 October 2015 was submitted after he had received hard copy orders and 2 months prior to executing those orders. See enclosure (7).

e. In correspondence attached as enclosure (8), the office having cognizance over the subject matter addressed in Petitioner's application has recommended the request be denied, noting, essentially, that it was determined that [REDACTED] did not clearly demonstrate intent to utilize SDIP when negotiating for follow-on orders. The SDIP policy, OCNO Policy Decision Memorandum (PDM) 008-13 of 26 April 2013, clearly outlines the process for SDIP approval, stating the member must "submit the application and have approved prior to receipt of follow-on PCS transfer orders. Once orders have been issued, the Sailor is no longer eligible to request SDIP." Had [REDACTED] intended to use SDIP as the program is designed, he should have made this clear in March 2015 while in contact with his detailer. [REDACTED] had sufficient time to submit a NAVPERS 1306/7 asking for SDIP prior to receiving orders to NMCB 133. The NAVPERS 1306/7 [REDACTED] submitted in April 2015 indicates that this specific assignment or location is what he desired, not SDIP. Since SDIP is a program designed to incentivize Sailors to take less desirable assignments, the program was not needed. Back paying SDIP after a member volunteered, with no expectation of receiving SDIP, goes against the intent of the program and treats this pay as an entitlement vice what it is designed to be, an incentive.

CONCLUSION

Upon review and consideration of all the evidence of record, notwithstanding the comments contained in enclosure (8), the Board concludes that Petitioner's request warrants favorable action. The Board found 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 request the SDIP when he initially requested orders, and despite not submitting request in the prescribed timely manner.

RECOMMENDATION:

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

a. Between 11 and 13 months prior to Petitioner's projected rotation date (PRD) of December 2015, Petitioner submitted a NAVPERS 1306/7 requesting a back-to-back sea tour/SDIP request with a command approval endorsement. The request was received by cognizant authority and became effective 22 July 2015, the day prior to the issuance of BUPERS order 2045.

b. Following approval of SDIP-B request, Petitioner signed and dated a written SDIP-B agreement (NAVPERS 1070/613) within 30 days.

c. This change will entitle Petitioner to a monthly SDIP rate of \$500 for the HM/8425 rate/NEC. Note: Petitioner's PRD is February 2019. Petitioner's Personnel/Administrative Department should forward a copy of the Page 13 to Navy Personnel Command (NPC) via fax to (901) 874-2647/DSN: 882-2647 or email MILL_SDIP@NAVY.MIL.

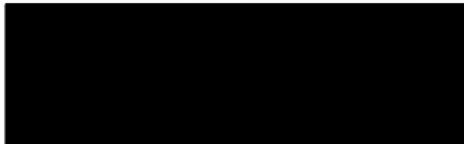
d. A copy of this Report of Proceedings will be filed in Petitioner's naval record.

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.



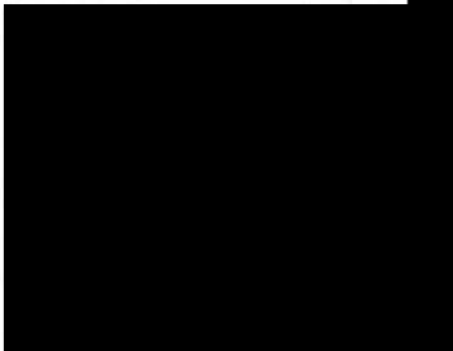
Recorder

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



Executive Director

Reviewed and Approved/~~Disapproved~~



1/26/17