



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

█
Docket No. 339-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █, USN RET,
XXX-XX-█

Ref: (a) Title 10 U.S.C. §1552
(b) OPNAVINST 7220.15

Encl: (1) DD Form 149 w/attachments
(2) OCNO memo 5420 Ser N133D/365 of 12 Nov 21
(3) Subject's naval record

1. Pursuant to the provisions of reference (a) Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting his naval record be corrected to establish entitlement to Operational Submarine Duty Incentive Pay (OPSUBPAY).

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 8 December 2021 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, relevant portions of Petitioner's naval record, 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, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 11 January 2016, Petitioner was assigned to USS █ (█) (Gold Crew) and began receiving Continuous Submarine Duty Incentive Pay (CONSUBPAY).

b. On 29 October 2019, Petitioner's CONSUBPAY was stopped due to approval of transfer to the Fleet Reserve in accordance with reference (b); however, OBSUBPAY was not started.

c. On 12 June 2020, Petitioner was transferred off the submarine for transition to the Fleet Reserve as verified by Career Sea Pay termination.

d. On 31 August 2020, Petitioner transferred to the Fleet Reserve.

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e. 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. Petitioner met the basic eligibility criteria to receive OPSUBPAY upon approval of transfer to Fleet Reserve; however, Petitioner's command failed to process the entitlement. Although the proper administrative requirements were not completed, the Board felt that under these circumstances, relief is warranted.

RECOMMENDATION

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

Petitioner was entitled to OBSUBPAY while assigned onboard USS [REDACTED] ([REDACTED]) (Gold Crew) (UIC: [REDACTED]), for the period of 30 October 2019 through 12 June 2020, at the rate of \$375.00 per month.

Note: Defense Finance and Accounting Service will complete an audit of Petitioner's pay records to determine Petitioner's retroactive pay.

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

4. It is certified that a 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.

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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

1/20/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]