



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

DG
Docket No. 2237-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USNR,
[REDACTED]

Ref: (a) Title 10 U.S.C. §1552
(b) OPNAVINST 7220.18

Encl: (1) DD Form 149 w/attachments
(2) OCNO memo 7220 Ser N130/21U1038 of 23 Jul 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 reflect retroactive entitlement to Aviation Incentive Pay (AvIP) effective 2 April 2017.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 9 November 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. In accordance with reference (b), aviators defined in the policy with less than 12 years of aviation service (YAS) are eligible for AvIP continuously, regardless of non-operational flying duty (OFD) billet assignment. Additionally, aviators defined in the policy who met the conditions outlined are eligible for AvIP while assigned to non-OFD or non-proficiency flying duty.

b. Petitioner's Aviation Service Entry Date is 19 January 2007.

c. Petitioner was release from active duty on 1 April 2017 and affiliated with the Navy Reserve in a Selected Reserve status effective 2 April 2017; Petitioner had accumulated 97 months of flying.

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[REDACTED]

d. Petitioner received AvIP for inactive duty training periods completed 5 April 2021 through 7 April 2021 (6 periods).

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 for continuous AvIP; however, Petitioner's command failed to initiate the entitlement as outlined in reference (b) when gained to Selected Reserve status. The Board felt that under these circumstances, relief is warranted.

RECOMMENDATION

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

Petitioner's continuous AvIP entitlement was processed upon affiliating with the Selected Reserve effective 2 April 2017. Note: Commander, Navy Reserve Forces Command shall coordinate with Defense Finance and Accounting Service to validate inactive duty training dates and periods eligible for AvIP payments.

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.

1/12/2022

[REDACTED]
Deputy Director
[REDACTED]