



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

[REDACTED]
Docket No. 5383-21
Ref: Signature Date

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
(b) Title 37 U.S.C. § 353
(c) MILPERSMAN 7220-114

Encl: (1) DD Form 149 w/attachments
(2) OCNO memo 7220 Ser N137/78 of 1 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 that his naval record be corrected to establish Petitioner was entitled to and received Naval Special Warfare (MSW) Skills Incentive Pay (SKIP) for the period of 1 June 2019 to 30 April 2020.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 9 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 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 accordance with reference (b), the Secretary concerned may pay a monthly skill incentive pay to a member of a regular or reserve component of the uniformed services who is entitled to basic pay under section 204 of this title or compensation under section 206 of this title; and serves in a career field or skill designated as critical by the Secretary concerned. Furthermore, Skill incentive pay under subsection (a) may not exceed \$1,000 a month.

c. On 31 May 2019, Petitioner was honorably discharged in order to accept commission or warrant in same branch of service. Furthermore, in accordance with Petitioner's Master Military Pay Account Demolition Duty Pay, Parachute Duty Pay, and Diving Pay stopped.

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d. On 6 June 2019, Petitioner signed an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) and was appointed a Chief Warrant Officer - 2 in the U.S. Navy with a present grade date of 1 June 2019. Furthermore, he was issued a designator code of 7151 (Special Warfare Technician).

e. On 13 June 2019, Petitioner was issued official new appointment orders (BUPERS order: 1649), while stationed in [REDACTED] with an effective date of departure of July 2019. Ultimate activity was [REDACTED] for duty with an effective date of arrival of August 2019.

f. On 3 February 2021, Petitioner was issued official change duty orders (BUPERS order: 0341), while stationed [REDACTED] with an effective date of departure of May 2021. Ultimate activity was [REDACTED] for duty with an effective date of arrival of June 2021.

g. On 29 March 2021, Petitioner's NSW SkIP was started effective 1 May 2020.

h. In accordance with reference (c), SKIP will be used in lieu of hazardous duty incentive pays to minimize costly training interruptions in the NSW inter-deployment training cycle (IDTC), minimize the strain on force Personnel Tempo System (PERSTEMPO) during the IDTC and remove financial disincentives associated with NSW operators seeking medical care.

Officer pay rates will be administered according to designators and qualifications.

Special Warfare Operator Holding NEC 026X, SEAL Warrant Officer Holding Designator 715X, SEAL Officer Holding Designator 113X (1) SEAL enlisted operators, SEAL officers, and SEAL warrant officers qualified and current in all of the following duties: (a) Military parachuting operations including static line and or military free-fall, (b) Combat diving (open circuit SCUBA and or closed circuit) operations, and (c) Demolition and explosive breaching operations with live explosive material as an essential part of required duties. Maximum pay for Designator 7151 is \$615.00 a month.

i. 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. The Board concluded that Petitioner's jump, dive, and demo pays stopped on 31 May 2019 due to commissioning. On 1 June 2019, the Navy transitioned Naval Special Warfare operators from jump, dive and demo pay to NSW SkIP, however, Petitioner's entitlement was not started. On 29 March 2021, Petitioner's entitlement was started effective 1 May 2020, but should have received it effective 1 June 2019.

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[REDACTED]

RECOMMENDATION

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

Petitioner was entitled to a monthly NSW SKIP of \$615.00 from 1 June 2019 to 30 April 2020.

Note: Defense Finance and Accounting Service (DFAS) will complete an audit of Petitioner's records to determine if Petitioner is due any back 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.

1/21/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]