



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

[REDACTED]
Docket No. 6879-22
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Commander, Navy Personnel Command

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

Ref: (a) Title 10 U.S.C. § 1552
(b) OPNAVINST 1160.6C

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by OCNO (N130), 18 Oct 22
(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 her naval record be corrected to establish retroactive entitlement to Special Duty Assignment Pay (SDAP) for the period of 22 March 2021 through 13 March 2022.

2. The Board, consisting of [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 7 February 2023 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), SDAP is a monthly pay used to help obtain high quality enlisted personnel for designated special duty assignments that are considered extremely difficult or involve an unusual degree of responsibility. Assignment designation and award level will be evaluated as needed and changes will be announced via naval administrative message. SD-6 award level is a monthly rate is \$ [REDACTED]. Additionally, SDAP payments will not continue while a member is participating in a commissioning program, and will not be considered in save pay calculations.

b. Petitioner issued Master Explosive Ordnance Disposal Technician, Navy Enlisted Classification (NEC) code M04A effective 1 March 2021.

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c. On 22 March 2021 Explosive Ordnance Disposal Mobile Unit [REDACTED] designated Petitioner as Master Explosive Ordnance Disposal Technician, and notified Personnel Support Detachment, [REDACTED] of the authorization for Petitioner to receive SDAP at award level SD-6.

d. On 29 March 2021 Petitioner detached EODMU 11 and reported to Explosive Ordnance Disposal Training and Evaluation [REDACTED] (EOD TRA [REDACTED])

e. Petitioner's Master Military Pay Account (MMPA) reflects SDAP level SD-5 started on 30 March 2021.

f. On 28 April 2021 EOD TRA/EVAL U 1 notified My Navy Career Center, [REDACTED] of Petitioner's eligibility to receive SDAP for NEC M04A SD-6 effective 22 March 2021.

g. On 23 November 2021 Petitioner issued BUPERS Order: 3271 (Official Change Duty Orders) for temporary duty under instruction at Officer Candidate School (OCS).

h. On 24 November 2021 Petitioner received a Periodic evaluation for the period of 30 March 2021 to 15 November 2021 indicating selection for OCS.

i. Petitioner's MMPA reflects SDAP level-5 stopped on 15 November 2021.

j. On 11 March 2022 Petitioner received a Not Observed, Detachment fitness report for the period of 16 November 2021 to 11 March 2022. The report indicated Petitioner was on leave/travel time from 16-26 November 2021 prior to reporting to Officer Training Command, [REDACTED] on 27 November 2021.

k. On 11 March 2022 Petitioner signed and accepted the Oath of Office.

l. In the advisory opinion, 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 was eligible for SDAP entitlement while serving as Master Explosive Ordnance Disposal Technician onboard EODMU [REDACTED] and EOD TRA/EVAL [REDACTED]. However, Petitioner's award level was not increased from SD-5 to SD-6 upon earning NEC M04A and as requested by the Commands before his transfer to OCS on 16 November 2021; therefore, the Board felt, under these circumstances, partial relief is warranted.

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RECOMMENDATION

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

Petitioner was entitled to SDAP while assigned as Master Explosive Ordnance Disposal Technician (NEC M04A), onboard EODMU 11 (UIC: 55569) and EOD TRA/EVAL U 1 (UIC: 30202), during the period of 22 March 2021 through 15 November 2021, at SDAP level SD-6 at the rate of \$ [REDACTED] per month.

Note: Defense Finance and Accounting Service will complete an audit of Petitioner's pay records to determine the difference in retroactive SDAP entitlement due.

The part of Petitioner's request for corrective action that exceeds the foregoing is denied in accordance with reference (b). Petitioner detached EOD TRA/EVAL [REDACTED] for course of instruction that led to his commissioning, thereby ineligible for SDAP entitlement after 15 November 2021.

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.

2/27/2023

[REDACTED]
Deputy Director
[REDACTED]