



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

██████████
Docket No. 7880-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████, USN,
██████████

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

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by OCNO memo 7220 Ser N130/22U1770, 13 Dec 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 29 March 2017 to 30 September 2018.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 19 January 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. On 1 June 2012 Petitioner issued Special Warfare Operator, Navy Enlisted Classification (NEC) code 5326/O26A.

b. On 24 March 2017 Petitioner issued BUPERS Order: 0657 (Official Modification to Change Duty Orders) to report to ██████████, ██████████ (██████████) in assigned rate of SO2, and DNEC of 5326, and on 29 March 2017 reported to ██████████, ██████████ and the Command notified Personnel Support Detachment, ██████████ of his designation to fill 5326 billet for the period of 29 March 2017 through 30 September 2018.

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[REDACTED]

c. On 9 January 2019, [REDACTED], [REDACTED] notified Personnel Support Detachment, [REDACTED] of Petitioner's entitlement to SDAP level SD-6 for the period of 29 March 2017 to 30 September 2018. Petitioner's Master Military Pay Account reflects SDAP level SD-6 started effective 1 October 2018.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2),¹ the Board finds the existence of an injustice warranting the following corrective action. Petitioner was eligible for SDAP entitlement while serving as Special Warfare Operator onboard [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]. However, Petitioner's Command failed to submit SDAP certification in accordance with reference (b), resulting in the SDAP entitlement not being processed from 29 March 2017 through 30 September 2018. Therefore, the Board felt, under this circumstance, relief is warranted.

RECOMMENDATION

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

Petitioner was entitled to SDAP while assigned as Special Warfare Operator (NEC 5326/O26A), onboard [REDACTED], [REDACTED] ([REDACTED] [REDACTED]), during the period of 29 March 2017 through 30 September 2018, at SDAP level SD-6 at the rate of \$450.00 per month.

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

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.

1/30/2023

[REDACTED]

¹ 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.