



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

[REDACTED]
Docket No 8581-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER [REDACTED], USN,
XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) OPNAVINST 1160.6C
(c) NAVADMIN 093/18

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by OCNO (N130), 10 Jan 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 his naval record be corrected to establish retroactive entitlement to Special Duty Assignment Pay (SDAP) for the period of 29 April 2019 through 23 September 2021.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 21 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. On 12 June 2016, Petitioner reported to [REDACTED], Unit Identification Code (UIC) [REDACTED] with a projected rotation date of June 2019.

b. [REDACTED] issued Petitioner a Periodic evaluation for the period of 6 June 2017 to 15 March 2018.

c. On 21 September 2018, Petitioner completed Interactive On-Net (ION) Operator course and awarded Navy Enlisted Classification (NEC) H13A/9308 effective 1 October 2018.

d. [REDACTED] issued Petitioner Periodic evaluations with "ION Operator" listed as primary duty for the periods of 16 March 2018 to 15 March 2019; 16 March 2019 to 15 March 2020; and 16 March 2020 to 15 November 2020.

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

e. On 6 September 2021, Petitioner began terminal leave and separated from active duty on 22 September 2021 and transferred to the Navy Reserve to complete his military service obligation (MSO). ██████████ issued Petitioner a Detachment of Individual evaluation with "ION Operator" listed as primary duty for the period of 16 November 2020 to 22 September 2021.

f. On 31 March 2022, ██████████ requested Chief of Naval Personnel (N13) authorize an exception to policy (ETP) for Petitioner to receive SDAP for his H13A NEC; ██████████ and Bureau Naval Personnel (BUPERS-3) favorably endorsed on 5 April 2022 and 17 May 2022 respectively. On 30 September 2022, N130 concurred Petitioner should be compensated but redirected him to the Board for adjudication in an effort not to set precedence.

g. On 11 September 2022, Petitioner discharged from the Navy Reserve upon completion of MSO.

h. 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. The Board concluded Petitioner's Command disestablished in 2018, however, a decision beyond Petitioner's control was made to maintain him under the disestablished UIC vice administratively transferring him to ██████████, resulting in his inability to receive the SDAP entitlement per reference (b). If Petitioner was administratively transferred to ██████████, he would have met the criteria for SDAP entitlement while serving as an ION Operator in accordance with reference (c). Therefore, the Board felt, under these circumstances, partial relief is warranted.

RECOMMENDATION

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

Petitioner authorized an ETP for entitlement to SDAP while serving as ION Operator (NEC H13A/9308) with ██████████ during the period of 29 April 2019 through 5 September 2021, at SDAP level SD-2 at the rate of \$150.00 per month.

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

The part of Petitioner's request for corrective action that exceeds the foregoing is denied in accordance with reference (b). Petitioner began terminal leave on 6 September 2021, thereby ineligible for SDAP after 5 September 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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER [REDACTED], USN,
XXX-XX-[REDACTED]

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.

3/15/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]