



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

██████████
Docket No. 9144-22
Ref: Signature Date

██████████
██████████
██████████

Dear ██████████:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 13 December 2023. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies, to include the advisory opinion by the Office of the Chief of Naval Operations memorandum 7220 Ser N137/97 of 12 January 2023.

In accordance with DoD 7000.14-R FMR Volume 7A, Chapter 24, qualified members are those who have received a designation as a parachutist, including those undergoing training for such designation, who are required by competent orders to engage in parachute jumping from an aircraft in aerial flight, and who meet the minimum performance requirements.

For eligibility, the member must meet the performance requirements for parachute duty hazardous duty incentive pay (HDIP) set out in DoD Instruction (DoDI) 1340.09, para. 3.4.d.

In accordance with DoD Instruction 1349.09 of 26 January 2018. The Secretary concerned may pay HDIP to Service members required by competent orders to participate in duty involving parachute jumping from an aircraft while in flight. Qualified Service members are those who have received a designation as a parachutist, including those undergoing training for such designation; who are required by competent orders to engage in parachute jumping from an aircraft in aerial flight; and who meet the minimum performance requirements in Paragraph 3.4.d.(3).

(3) To qualify for parachute duty pay for a 3-month period the Service member is required to jump at least once during the 3-month period. If a Service member is not able to perform at least one jump in a 3-month period due to reasons beyond the Service member's control, the Service

member may jump twice during a 6-month period, including two jumps within the same month, to maintain pay eligibility for 2 consecutive 3-month periods. The following exceptions are waivers to the 3-month jump rule: (a) Non-availability of jump equipment or aircraft, attendance at military education or training of less than 179 days, or inclement weather. Commanding officers, in the pay grade of O-5 or above, may waive the jump requirement for one jump during a 12-month period. Service members must maintain their proficiency through refresher training in lieu of jumping in order to remain eligible for parachute duty pay during the waived period. (b) The appropriate commander, grade O-7 or above, may waive the minimum jump requirement when a Service member is unable to perform a jump due combat operations or being operationally deployed. Upon returning from deployment, the Service member must complete airborne refresher training and jump within 3 months. (c) Service members must maintain their eligibility for parachute pay through the actual performance of a parachute jump unless the minimum jump requirement is waived. If the Service member does not have a waiver and fails to meet the minimum jump requirement, the parachute duty pay will be discontinued and any overpayment or unearned portion of pay will be subject to repayment in accordance with Paragraph 3.1.d.

On 25 March 2019, you were issued official change duty orders (BUPERS order: 0849) while stationed in ██████████ with an effective date of departure of October 2019. Your intermediate (01) activity was ██████████ for temporary duty under instruction with an effective date of arrival of 19 November 2019. Your intermediate (02) activity was ██████████ for temporary duty with an effective date of arrival of 13 December 2019. Your intermediate (03) activity was ██████████ ██████████ for temporary duty under instruction with an effective date of arrival of 4 January 2020. Your intermediate (04) activity was ██████████ for temporary duty under instruction with an effective date of arrival of 8 February 2020. Your ultimate activity was ██████████ for duty with an effective date of arrival of 11 March 2020 with a Projected Rotation (PRD) Date of March 2023.

On 19 October 2019, you were transferred from ██████████, and arrived to ██████████ on 13 December 2019 for temporary duty. On 11 December 2019, Individual Jump Record (DA Form 1307) was issued after you completed 5 jumps between 8 December 2019 and 11 December 2019 for the pay period of December, January, and February. On 13 December 2019, ██████████ ██████████, you successfully completed the Airborne Course given at ██████████

On 3 January 2020, you were transferred from ██████████, and arrived to ██████████ ██████████ on 5 January 2020 for temporary duty. On 5 January 2020, you were transferred from ██████████, and arrived to ██████████ on 19 February 2020 for temporary duty.

On 17 January 2020, you were issued official modification to change duty orders (BUPERS order: 0849) while stationed in ██████████ with an effective date of departure of October 2019. Your intermediate (01) activity was ██████████ for temporary duty under instruction with an effective date of arrival of 19 November 2019. Your intermediate (02) activity was ██████████ for temporary duty with an effective date of arrival of 13 December 2019. Your intermediate (03) activity was ██████████ ██████████ for temporary duty under instruction with an effective date

of arrival of 4 January 2020. Your ultimate activity was ██████████
██████████ for duty with an effective date of arrival of 28 February 2020 with a PRD of March 2023.

On 2 June 2020, Officer in Charge, ██████████
██████████ notified you that, “Per COMNAVSPECWARCOMINST 3000.3C, BUPERS Order 0849, DoD 7000.14-R FMR Volume 7A, and MILPERSMAN 1220-030, you are authorized to participate in duty involving parachute jumping. Acceptance of this permissive order requires you to familiarize yourself and adhere to all rules and regulations outlined in COMNAVSPECWARCOMINST 3000.3C. This order will remain in effect until you are discharged, released, transferred from this command, or no longer physically qualified. This order is issued with the understanding that participation in parachute operations is voluntary. Acceptance of this permissive order will entitle you to specialty/incentive pay for such duties.”

In accordance with Office of the Assistant Secretary of Defense memorandum of 5 April 2021 for Secretaries of the Military Departments that Effective immediately this memorandum extends through November 30, 2021, the exception to policy provided in Attachment 3, paragraph 15 (*Special and Incentive Pays*) of the Assistant Secretary of Defense, memorandum. *Military Personnel Guidance (Supplement I) for Department of Defense Components in Responding to Coronavirus Disease 2019*; dated April 6, 2020. Components should anticipate that this exception to policy will not be further extended unless conditions worsen substantially between now and the expiration date.

Attachment 3 Paragraph 15 of the April 6, 2020, policy memorandum is amended to read as follows; 15. Special and Incentive Pays. As a result of the effects or extended effects of COVID-19, members who are receiving special or incentive pays that require the performance of specific duties (e.g. Hazardous Duty Incentive Pay, Aviation Incentive Pay) may be unable to perform the required duties through no fault of their own. As an exception to policy, for members who, but for the effects or extended effects of COVID-19, would otherwise be eligible to receive performance-based special or incentive pays, the Secretary concerned is hereby authorized in the interest of equity to suspend the requirements to perform specific duties and allow members to continue to receive their special or incentive pay through November 30, 2021. This authority may not be delegated any lower than the first general or flag officer, or civilian equivalent, in the chain of command of the members, to the extent that this authority may conflict with broader, more liberal waiver authorities contained in existing policy guidance, existing policy shall take precedence.

On 7 January 2022, Officer in Charge, ██████████
██████████ notified Officer in Charge, ██████████
██████████ that, “In accordance with BUPERS Order 0849 and DoD 7000.14-R FMR Volume 7A, the following personnel have competent orders, performed the requisite number of jumps, and met all the requirements for jump incentive pay. Jump pay will continue until member is unqualified per BUPERS Order 0849 and DoD 7000.14-R FMR Volume 7A with a start date of 1 March 2020”.

On 2 August 2022, you were issued official change duty orders (BUPERS order: 2142) with required obligated service to March 2026, while stationed in ██████████
with an effective date of departure of February 2023. Your ultimate activity was ██████████
██████████ for duty with an effective date of arrival of 15 March 2023 with a PRD of March 2023.

On 13 February 2023, you were transferred from [REDACTED], and arrived to [REDACTED] on 8 March 2023 for temporary duty.

On 27 September 2023, Command [REDACTED] notified BCNR via email that, "The original documentation with the original jump log is all that we have. Further down in the documents is a waiver that was put in place for those that were not able to jump during COVID due to restrictions. [REDACTED] was also scheduled for many jumps with other commands, due to our inability to support such evolutions, and they were often cancelled due to weather on the day of."

You requested HDIP in connection with BUPERS order: 0849 effective 1 March 2020, the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertion that you performed assigned duties as required as billeted parachute jumper and are entitled to such pay. However, the Board concluded that the documentation provided was not sufficient to show the Board that you maintained qualification for parachute pay by completing at least one jump per 3-month period. In accordance with Assistant Secretary of Defense Memorandum of 5 April 2021, requirements were waived, and members were allowed to continue to receive HDIP. This was effective until November 2021. The Jump record you provided shows that the last jump you performed was 11 December 2019. Therefore, you had not performed any jumps to establish HDIP prior to the issuance of the COVID -19 waiver. Furthermore, although Command [REDACTED] stated that due to no fault of your own, scheduled jumps with other commands were cancelled on the day of due to weather, no waivers to the 3-month jump rule were included in your application. Absent documentation that you performed the requisite number of jumps, the Board determined that no change to your record is warranted.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

12/22/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]