



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

[REDACTED]
Docket No. 9451-22
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) OCNO ltr 7220 Ser N13/301, 23 Nov 20
(c) SDIP Eligibility Chart, 18 Feb 21

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by OCNO (N130D), 1 Feb 23
(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 show Petitioner is entitled to Sea Duty Incentive Pay-Extension (SDIP-E) for the period of 1 September 2022 to 1 November 2023.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 6 April 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. On 15 September 2016, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 13 October 2016 for duty.

b. On 3 May 2018, Petitioner reenlisted for 6 years with an End of Active Obligated Service (EAOS) of 2 May 2024.

c. On 15 July 2019, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 7 August 2019 for duty.

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d. On 27 September 2019, Petitioner was issued official change duty orders (BUPERS order: [REDACTED]) while stationed at [REDACTED], [REDACTED] with an effective date of departure of October 2019. Petitioner's ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of 31 October 2019, with a Projected Rotation Date (PRD) of August 2022.

e. On 25 October 2019, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 28 October 2019 for duty.

f. In accordance with reference (b), SDIP-E applies to qualified Sailors that voluntarily extend onboard their current command when assigned to ships, submarines, or aviation squadrons designated as Type 2/4 sea duty for rotational purposes by a minimum of 12 months and a maximum of 48 months beyond their prescribed sea tour (PST). Additionally, personnel may not receive SDIP-E for any months prior to completing their PST or their current PRD.

Sailors with a SDIP contract will not be assigned in excess of billets authorized (BA). Where justification exists, such as operational commitments, deployments, lack of rollers, etc., pay band exceptions may be requested from the financial retention incentive by the rating detailer, provided the pay band paygrade appears on the eligibility chart. Requests will be forwarded to PERS-40DD for final decision with the FRI input. The billet filled must match the rating, pay grade and skill of that being requested. Pay band exceptions may be requested from the FRI with appropriate justification. If all BA for an SDIP-B or SDIP-E skill at a command become unfunded while a Sailor is fulfilling an SDIP contract for that skill, the Sailor will no longer be considered in an SDIP eligible billet. The Sailor will either be transferred to an SDIP eligible billet at a new command or given the opportunity to terminate their contract and/or pay back the unearned portion of their SDIP, as outlined in this PDM.

Furthermore, the detailer must receive request for SDIP-E 14 to 16 months prior to the PST completion date or PRD, whichever occurs later.

g. In accordance with reference (c), Sailors in the Aircrew Survival Equipment-man (PR) rating, in paygrades E-7 were entitled to a monthly SDIP rate of \$700.

h. On 12 March 2021, Petitioner submitted an Electronic Personnel Action Request (NAVPERS 1306/7) respectfully request to extend on board for 15 months to meet deployment schedule and receive SDIP-E. Petitioner's request was approved by cognizant authority on 22 March 2021. Furthermore, Petitioner's request was disapproved by higher authority on 14 April 2021.

i. On 22 November 2022, COMNAVPERSCOM notified PATRON FOUR SEVEN that Petitioner's voluntary request to extend at sea for 24 months with SDIP, contained in NAVPERS 1306/7 of 14 March 2022 was approved. You are entitled to SDIP at the rate of 700 dollars per month for each month of your extension.

j. On 12 December 2022, Petitioner was approved for an agreement to extend enlistment for 18 months with an Soft EAOS of 2 November 2025.

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k. 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 that Petitioner's billet was not considered a priority to fill at the time of his extension with SDIP-E request, therefore, the detailer granted the request to extend at the command while also recommending against paying SDIP-E. Navy Personnel Command has the discretion to deny an SDIP-E request and opt to reassign a Sailor to another assignment provided that the initial billet is not considered a priority, detailers may not negotiate away the established SDIP rate and still grant the request for extension.

RECOMMENDATION

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

Petitioner's SDIP-E request for 15 months was submitted in a timely manner with command endorsement and was approved by the Navy Personnel Command (PERS-40DD).

Petitioner's command created a NAVPERS 1070/613 (Administrative Remarks) agreement, and it was signed by Petitioner within 30 days of receiving approval message.

Note: This change will entitle Petitioner to SDIP-E in the amount of \$700 per month from September 2022 through November 2023. Furthermore, PERS-40DD will forward the payment transaction to Defense Finance and Accounting Service (DFAS) for payment.

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.

4/13/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]