

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 October 2024

DOCKET NUMBER: AR20240002310

APPLICANT REQUESTS: entitlement to the difference between Special Duty Assignment Pay (SDAP) 3 and SDAP 2 from 5 October 2006 – 28 November 2012 and SDAP 3 from 12 April 2006 – 4 October 2006.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Memorandum – Subject: Justification for SDAP-3 Back Pay, 31 July 2023
- Excerpt Army Regulation (AR) 614-200 (Enlisted Assignments and Utilization Management)
- All Army Activity (ALARACT) Message Number 308/2013 (SDAP)
- Orders Number 152-07, 7 March 2016
- Enlisted Record Brief (ERB)
- Modified Table of Organization and Equipment (MTOE)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.

2. The applicant states in pertinent part that he served in an L3 coded position while assigned to the 26th Chemical Reconnaissance Detachment (CRD) from 11 April 2006 – 28 November 2013. He contests that being assigned to that position entitles him to SDAP-3. However, in 2016 when he requested backpay for this assignment the entitlements were processed incorrectly. He received backpay at the SDAP-2 rate from 5 October 2006 – 28 November 2012 but should have received backpay at the SDAP-3 rate from 12 April 2006 – 28 November 2012. Therefore, he is requesting entitlement to the difference between SDAP 3 and SDAP 2 from 5 October 2006 – 28 November 2012 and SDAP 3 from 12 April 2006 – 4 October 2006.

3. A review of the applicant's available service records reflects the following:

a. On 5 September 2002, the applicant enlisted in the Regular Army for 4 years with duty as a 54B (Chemical Operations Specialist).

b. On 7 March 2003, Headquarters, U.S. Army Infantry Center issued Permanent Orders Number 66-3107 announcing award of the 54B military occupational specialty with the "P" Special Qualification Identifier indicating that the applicant is Airborne qualified.

c. On 12 December 2005, the applicant reenlisted for 4 years as a 74D (Chemical, Biological, Radiological and Nuclear (CBRN) Specialist) with entitlement to a Selective Retention Bonus.

d. On 8 March 2006, Headquarters, XVIII Airborne Corps and Fort Bragg issued Orders Number 067-289 announcing the applicant's reassignment to the 7th Special Forces Group, effective 31 March 2006, as a 74D. A review of the applicant's ERB reflects that he was further assigned to the 26th CRD on or about 1 April 2006.

e. On 5 October 2006, the applicant completed the Technical Escort Course further providing qualification for award of the "5J" Additional Skill Identifier (ASI).

f. On 26 January 2011, the U.S. Army Installation Management Command issued Orders Number 026-902 announcing the applicant's reassignment to the 7th Special Forces Group (Forward), effective 8 July 2011.

g. A review of the applicant's ERB reflects that he was reassigned to the 7th Special Forces Group Support Battalion on or about 2 April 2013.

h. On 11 February 2016, the applicant reenlisted indefinitely.

i. On 15 May 2017, the U.S. Army Installation Management Command issued Orders Number 135-954 announcing the applicant's reassignment to Korea with a will proceed date of 10 June 2017.

4. The applicant provides the following a:

a. Excerpt AR 614-200, reflective of SDAP eligibility requirements. The applicant highlights that Technical Escort Unit Soldiers in specified SDAP positions are authorized SDAP-3.

b. ALARACT Message Number 308/2013 (SDAP), reflective of information pertaining to the increases and new SDAP programs which took effect on 1 November 2013. Item 5a. provides that Soldiers assigned to Special Mission Units are authorized SDAP at the 2-6 rate based on position requirement.

c. Orders Number 152-07 dated 7 March 2016, reflective of the applicant being assigned to a hazardous duty position from 5 October 2006 – 28 November 2012, with entitlement to SDAP-2 (\$150.00) per month.

d. MTOE, reflective of the CBRN Reconnaissance Detachment (Special Forces) authorized/assigned listing. This document further provides that all enlisted personnel were required to be "L3 – (Technical Escorting)" qualified.

5. On 13 August 2024, the U.S. Army Human Resources Command (AHRC), Chief, Incentive Pay Branch, provided an advisory opinion recommending partial approval of the applicant's request from 5 October 2006 – 1 April 2013. The applicant was awarded the "5J" ASI on 5 October 2006 for completion of the Technical Escort course and immediately assigned to a valid ASI "5J" position. The ASI "5J" was later changed to "L3" effective April 2008. The applicant was reassigned on 2 April 2013 to another position with was not authorized the "L3" ASI. Orders Number 152-07 were amended by AHRC in accordance with this advisory opinion to correct the applicant's records. The amended order will need to be provided to the Defense Finance and Accounting Services for processing.

6. On 21 August 2024, the applicant was provided with a copy of the advisory opinion and afforded 14 days to provide comments. As of 25 September 2024, the applicant has not responded.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief partial was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant contends that he served in an Additional Sill Identifier (ASI) L3 coded position while assigned to the 26th Chemical Reconnaissance Detachment (CRD) from 11 April 2006 – 28 November 2013 and that being assigned to that position entitles him to Special Duty Assignment Pay (SDAP)-3. However, in 2016 when he requested backpay for this assignment the entitlements were processed incorrectly.

a. MILPER Message 03-261 dated 24 September 2003, paragraph 4.(N) authorized SD-3 in the amount of \$225 to Soldiers assigned to Technical Escort Units in specified SOAP position. ASI 5J was changed to L3 effective April 2008 and the Soldier's record and the unit's position reflected the changes.

b. The Board reviewed and agreed with the G-1 advisory official's determination that the applicant departed UIC WA9CAA on 1 April 2013 and was assigned to UIC WDSNA0 on 2 April 2013. There was not an authorized "L3" billet on the FY13

documents of UIC WDSNA0. Order #152-07 issued by the Group Support Battalion, 7th Special Group (Airborne) on 7 March 2016 has been amended by this office to correct the record in accordance with this advisory opinion and will need to be submitted to Defense Finance Accounting Service for payment. The Board agreed that partial relief is warranted to authorize the applicant Special Duty Assignment Pay (SDAP) 3 from 5 October 2006 to 1 April 2013.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
█	█	█	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending Order Number 152-07 issued by the Group Support Battalion, 7th Special Group (Airborne) on 7 March 2016 to reflect Special Duty Assignment Pay (SDAP) 3 from 5 October 2006 to 1 April 2013.

2 The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to any relief in excess of that described above.

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I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Title 10, USC, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.
2. Army Regulation (AR) 614-200 (Enlisted Assignments and Utilization Management) Paragraph 3-22 (Eligibility Criteria for Special Duty Assignment Pay (SDAP)) provides that Enlisted Soldiers are eligible to receive SDAP when they are serving on active duty, in the pay grade of E-3 or higher and are qualified in a required Special Duty assigned position. Technical Escort Unit Soldiers in specified SDAP positions are authorized SD-3.
3. Title 10, USC, section 1552 states, the Secretary concerned may pay, from applicable current appropriations, a claim for the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, if, as a result of correcting a record under this section, the amount is found to be due the claimant on account of his or another's service in the Army.

//NOTHING FOLLOWS//