



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

BAN
Docket No. NR02857-13
22 October 2013

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

Subj: [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) Bureau of Medicine (BUMED) and Surgery memo 7220 Ser M1/13UM1-3221 of 17 Feb 2012
(3) Bureau of Medicine (BUMED) and Surgery memo 7220 Ser M1/13UM1-4189 of 26 Oct 2012

1. Pursuant to the provisions of reference (a) Petitioner filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to establish entitlement to retroactive Board Certified Pay (BCP) in the amount of \$30,000, and Additional Special Pay in the amount of \$60,000 from 1996 to 2003.

2. The Board, consisting of Messrs. Pfeiffer, Zsalman and Exnicios reviewed Petitioner's allegations of error and injustice on 11 October 2013 and, pursuant to its regulations, determined that the partial corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, 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, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence 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 partial 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 partial corrective action.

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, as follows:

a. Petitioner is entitled to retroactive Board Certified Pay (BCP) for the period of 28 June 1996 to 30 September 2003.

b. Petitioner is entitled to retroactive Medical Additional Special Pay (ASP) at an annual rate of \$15,000 for the years 1998, 1999, 2001 and 2002.

c. That so much of Petitioner's request for corrective action as exceeds the foregoing be denied for the following reasons: During 1996 and 1997, while on active duty, Petitioner requested and received ASP. Petitioner submitted no documentation to show that he requested ASP in 2000. Finally, Petitioner requested Incentive Special Pay (ISP) and ASP for 2003, however, Petitioner was not entitled to receipt of the funds due to not having met all the requirements for approval of such payments.

d. A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that 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.

ROBERT D. ZSALMAN
Recorder

Bronte I. Montgomery
BRONTE I. MONTGOMERY
Acting Recorder