



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

[REDACTED]
Docket No. 5090-23
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) MILPERSMAN 7220-100, 2 Dec 08
(c) OPNAVINST 7220.15, 26 Jan 12
(d) DoD 7000.14-R FMR Volume 7a, Chapter 3

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by OCNO, 7220 Ser N130C4/23U1123, 18 Sep 23
(3) Advisory Opinion by OCNO, 7220 Ser N130/23U1156, 26 Sep 23
(4) 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 received Command Responsibility Pay for the period of 10 June 2013 to 1 November 2013 in the amount of \$466.00 and received Operational Submarine Pay for the months of December 2019, February 2020, August 2020 and May 2021.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 27 June 2024 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 5 March 1985, Commander Submarine Force, U.S. Atlantic Fleet, notified Petitioner via Commanding Officer, [REDACTED] ([REDACTED]) that, "Commander Submarine Force, U.S. Atlantic Fleet is pleased to note you being "Qualified in Submarines."

b. On 1 September 2008, Petitioner was appointed to Commander/O-5.

c. In accordance with reference (b), "Command Responsibility Pay (CRP) was established to provide tangible recognition to enhance the status of the at-sea commander (CDR) by providing additional pay for positions of unusual responsibility. This special pay is only authorized for officers in pay grades 0-3 through 0-6. The primary consideration for the pay is "Command at Sea."

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

Command Responsibility Qualifying Units. COs and CDRs in paygrades 0-3 through 0-6 of the following type units are entitled to CRP: Command at Sea Insignia qualifying units listed in reference (b) or as identified as sea commands in reference (c). Other type or specific named units: Provisional Reconstruction Teams.”

d. In accordance with reference (c), “OPSUBPAY is payable on a month-to-month basis to individuals qualified in submarines whose duties require serving on a submarine during underway operations while attached for duty (ACC 100) to a command listed in enclosure (8). The Board of Inspection and Survey is listed under Submarine Command Staffs.

The following ride requirements must be met for a member qualified in submarines to be entitled to monthly OPSUBPAY. During 1 calendar month, 48 hours of ride time. However, if a member does not ride 48 hours in any month, hours ridden during the last 5 preceding months which have not already been used to qualify for OPSUBPAY may be applied to meet this 48-hour requirement. The first 48 hours ridden in a month apply only to that month. Any hours ridden in a month in excess of 48 hours during any of the immediately preceding 5 calendar months and not already used may be applied to satisfy the time requirement for the current month. Any hours ridden in a month must first apply only to that month. An individual may not carry forward ride time hours for OPSUBPAY entitlement when he changes from CONSUBPAY to OPSUBPAY.”

e. In accordance with reference (d), “[t]he Secretary concerned may designate positions of unusual responsibility that are of a critical nature to an Armed Force under his or her jurisdiction and authorize special pay to officers performing the duties of such a position. Officers serving in a designated position and entitled to the basic pay for active duty or compensation for inactive duty in grade 0-6 and below are entitled to this special pay. This special pay will be referred to as responsibility pay. The monthly rates of responsibility pay are Paygrade O-6 Amount \$150. Paygrade O-5 Amount \$100. Pay Grade 0-4 and below Amount \$50.

Subject to other entitlement conditions and restrictions, officers are entitled to responsibility pay while serving as a commanding officer or commander of a unit listed in directives issued under the authority of the Secretary concerned. Responsibility pay will continue to accrue while on temporary duty, leave, or similar temporary absences from duty where there is no permanent relief. Responsibility pay accrues from the date the assignment begins through the date the assignment ends.”

f. On 2 May 2013, Petitioner’s Reporting Senior certified a Regular Evaluation Report and Counseling Record for the period of 4 August 2012 to 30 April 2013. This was a Periodic regular report. Furthermore, the following remarks were listed: “Global Support Assignment (GSA) Forward Deployed [REDACTED]

g. On 31 October 2013, Petitioner’s Reporting Senior certified a Regular Evaluation Report and Counseling Record for the period of 10 June 2013 to 1 November 2013. This was a Detachment of Individual concurrent report. Furthermore, the following remarks were listed: “Commanding Officer-5. Leads a Multi-National, Multi-Governmental Agency ([REDACTED] Department of Foreign Affairs and Trade, [REDACTED] Joint Command of 84 civilian and military personnel from United States and [REDACTED] deployed in [REDACTED], [REDACTED].”

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

h. On 18 November 2013, Petitioner's Reporting Senior certified a Regular Evaluation Report and Counseling Record for the period of 1 May 2013 to 18 November 2013. This was a Detachment of Individual regular report. Furthermore, the following remarks were listed: "Global Support Assignment (GSA) Forward Deployed-[REDACTED]"

i. On 23 April 2019, Petitioner's Reporting Senior certified a Regular Evaluation Report and Counseling Record for the period of 1 May 2018 to 31 May 2019. This was a Periodic regular report. Furthermore, the following remarks were listed: "Submarine Senior Inspector-[REDACTED]"

j. On 6 December 2019, Commanding Officer, [REDACTED] ([REDACTED]) notified Petitioner that "I certify that the individual to whom these orders were issued has actually served on board this unit underway as indicated below.: Hour/Date Underway 1600/4 December 2019, Hour/Date BSP 1100/6 December 2019, Hours/Minutes Underway 43 hours."

k. On 6 February 2020, Commanding Officer, [REDACTED] ([REDACTED]) notified Petitioner that "I certify that the individual to whom this letter is issued has actually served on board this submarine as indicated below.: Hour/Date Underway 1000/4 February 2020, Hour/Date Moored 1600/6 February 2020, Total Ride Time 54 hours."

l. On 18 August 2020, Commanding Officer, [REDACTED] ([REDACTED]) notified Petitioner that "I certify that the individual to whom these orders were issued has actually served on board this submarine underway as indicated.: Hour/Date BSP 0800/17 August 2020, Hour/Date BSP 1500/18 August 2020, Hours/Minutes Underway 31 hours."

m. On 26 August 2020, Executive Officer, [REDACTED] ([REDACTED]) notified Petitioner that "I certify that the individual to whom these orders were issued has actually served on board this submarine/ship underway as indicated.: Hour/Date Underway 1530/22 August 2020, Hour/Date Moored 1145/28 August 2020, Hours/Minutes Underway 140 hours/15 minutes."

n. On 20 April 2020, Petitioner's Reporting Senior certified a Regular Evaluation Report and Counseling Record for the period of 1 June 2019 to 30 April 2020. This was a Periodic regular report. Furthermore, the following remarks were listed: "Submarine Senior Inspector-[REDACTED]"

o. On 16 November 2020, Petitioner was issued official retirement orders (BUPERS order: [REDACTED]) while stationed in [REDACTED], [REDACTED], [REDACTED] with an effective date of departure of May 2021 from Duty with an effective date of retirement 1 June 2021.

p. On 7 April 2021, Petitioner's Reporting Senior certified a Regular Evaluation Report and Counseling Record for the period of 1 May 2020 to 12 April 2021. This was a Detachment of Reporting Senior regular report. Furthermore, the following remarks were listed: "Submarine Senior Inspector-[REDACTED]"

q. On 10 May 2021, Commanding Officer, [REDACTED] ([REDACTED]) notified Petitioner that "I certify that the individual actually served on board this submarine underway indicated.: Hour/Date Arrived 1200/6 May 2021, Hour/Date Departed 1030/10 May 2021, Hours/Minutes Underway 94 hours/30 minutes."

r. Petitioner retired with an Honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 26 May 1993 to

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

31 May 2021 due to Maximum Service or Time In Grade.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following partial corrective action. The Board concluded that in accordance with reference (b), Provisional Reconstruction teams are eligible units for CRP. Petitioner's fitness report from 10 June 2013 through 1 November 2013 proves he served as the Commanding Officer of PRT Uruzgan. Therefore, Petitioner was entitled to the CRP for the period of 10 June 2013 to 1 November 2013. Furthermore, in accordance with reference (c), the Board determined that Petitioner was eligible for OPSUBPAY for his service with the Board of Inspection and Survey for December 2019, February 2020, August 2020, and May 2021, however because Petitioner has received a portion of the requested backpay, the amount of pay due Petitioner will be determined by the Defense Finance and Accounting Service (DFAS).

RECOMMENDATION

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

Petitioner was authorized Command Responsibility Pay for the period of 10 June 2013 to 1 November 2013. Note: Calculation/adjustment of payments. Contact between DFAS and N130C4 (Assistant, Pay and Allowances) is required.

Petitioner was authorized Operational Submarine Duty for the months of December 2019, February 2020, August 2020, and May 2021. Note: Calculation/adjustment of payments. Contact between DFAS and N130D (Navy Special and Incentive Programs) is required.

That a copy of this report of proceedings be filed in Petitioner's naval record.

That no further changes be made to Subject'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.

7/3/2024

