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After kicking out thousands, Navy offers bonuses to fill manning gaps. Sailors, and a lawmaker, want answers

# 'It just doesn't add up'

By Mark D. Frantz

[www.navytimes.com](http://www.navytimes.com)

**P**ersonnel Specialist 1st Class (SW) Max Feige got the word in November he was being cut by an enlisted retention board. The Navy was breaking his contract and ending his 12-year Navy career.

That was devastating.

But when the Navy announced last month it was throwing tens of thousands of dollars at sailors to extend sea duty — in ratings once held by sailors separated by the ERB — that made him angry.

"When I heard about these new duty bonuses, I was flabbergasted," Feige said. "It was like someone had kicked me. It just doesn't add up at all. Manning at sea has always been a challenge, but the ERB has only made a bad problem worse."

Some may chalk the complaint up to a disgruntled sailor. But Feige, one of 2,046 sailors cut by last year's two ERBs, is not alone. Sailors in the ranks, unaffected by the cuts, say they are disturbed by the Navy's actions. More than 100

of the separated sailors are acting. And now a congressional report to tell Navy leaders as the captain on Capitol Hill to explain why sailors have been cut at the same time bonuses are being thrown around to keep others working overtime.

The Navy on July 26 announced several measures aimed at filling the 10,000 sailor manning shortages at sea-duty billets. Among those were Sea Duty Incentive Pay bonuses, ranging from \$600 to \$1,000 per month, for select ratings and paygrades.

Among those rating and pay-grade combinations were 23 that were also gutted by the ERBs. More than 700 sailors separated by the ERBs might have qualified for those jobs. This had sailors — and at least one lawmaker — scratching their heads. Why were some sailors being cut while others were being extended at sea?

Sailors in Feige's F81 rating, for example, can earn \$600 per month if they agree to extra sea duty to fill Manning gaps.

"The second thought that occurred to me about this," Feige said, "was then, though the money would be nice, I'd have intended at sea for free."

The sailors in the 21 ratings hit by the ERBs, all of whom will be cut by Sept. 1, it appears the Navy is breaking faith. Officials told those sailors they were cut because those ratings were expected to be overmanned. But data show that hasn't always been the case. Petty, at just one of many examples, are only 41 percent manned at sea, according to Navy figures.

This isn't really a surprise, Navy officials said.

Service leaders realized that some sailors cut by the ERBs would have been slated for sea duty, as the boards did not factor a sailor's assignment by design, said Cmdr. Emily Ender, spokeswoman for the chief of personnel.

Navy, to be fair, assumed the risk that some sailors not selected for retention by the ERBs would be

on sea-duty orders upon release of board results, she said.

Part of the ERBs' brief with the Navy is they've never been told exactly what got them the boot. But in cases where cuts were mandated by rating and rate group, the board members were given the ability to go back into a sailor's records to find problems such as fitness failures and non-judicial punishment.

While the bulk of the sailors

were cut through mandatory quits, 239 of them, officials say, were cut because of recent misconduct or declining performance.

Officials did not provide data on how many of the ERB cuts came from those on sea duty.

Kathy and the newest sailors to fit sea-duty manning were not a reaction to any problems cleared by the ERBs.

While several of Navy's force management institutions, including



*the economy was very sluggish, so we were asked to extend our tours in order to support critical \$300 to \$1,000 a month in bonus to those who are staying due to ERB could potentially be in the undermanned sea requirements. Sailors who are separating due to ERB could potentially be in the wrong and per grade combinations that are now critical billets at sea. They should be given the opportunity to fill these positions and not immediately separated.*

**Rep. Scott Rigell,**  
R-Va., wrote to the  
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**Aug. 8 requesting**  
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Feige

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SAILORS IN FLIGHT SUITS

The 2,000 sailors affected by the selected retention boards will all be cut by Sept. 1. Sailors are questioning why the cuts are occurring at the same time the Navy is offering big bonuses to fill Manning gaps at sea.

The ERB helped improve balance in ratings and paygrades, they address only part of the equation," she said. "We now have the number of sailors we need by rank in some previously overextended ratings and are working to ensure our sailors are in the best locations for the Navy."

Last month's new seniority rules, she said, are simply "distribution mechanisms ... in place to ensure our sailors are in the appropriate billets."

#### Navy breaks faith

Sailors still in the fleet, though unaffected by the ERB, remain unhappy with what happened to nearly 3,000 of their colleagues.

"There's no respect about this whole process that has just been flat out wrong," said a first class aviation structural mechanic — not cut by the ERB — who spoke on condition of anonymity out of fear of backlash from the Navy.

"First, the Navy broke faith and cut these career sailors. We lost critical talent from the fleet that you can't just grow overnight. It's

## MANNING MISTAKES?

More than 600 sailors kicked out of the Navy via selected retention boards say they were poorly treated by their paygrade peers. They agree to keep pay if they agree to stay on duty. The relationships involved, the sailors insist, bring mutual benefit. The transfer of experienced sailors within each combination also might have factored

RATING	NUMBER	ERB?
1-3		
AD	1,000	Y
AM	870	Y
AT	1,000	Y
BS	830	Y
CO (MDC) ERB	920	Y
COA, 927	1,000	Y
PS	800	Y
STC (MDC)	1,000	Y
SYA, 927	1,000	Y
STO		
4-6		
AD	800	Y
AM	800	Y
AT	800	Y
GSE	800	Y
BS	800	Y
CO (MDC) ERB	920	Y
COA, 927	1,000	Y
PS	800	Y
STC (MDC)	1,000	Y
SYA, 927	1,000	Y
STO		
7-9		
AD	870	Y
AM	9,000	Y
AT	800	Y
CO (MDC) ERB	920	Y
COA, 927	1,000	Y
PS	1,000	Y
STC (MDC)	1,000	Y
SYA, 927	1,000	Y
STO		

the most important changes I expect to see in the ERB. For a long time, sailors have asked commanders when a given rate gets promoted. The Navy did not want to frustrate those sailors by not giving them an answer."

Forcing those left behind to work longer and harder, and now we're there offering money to people to head back to sea where they just got out so many. What about that makes sense at all?"

Through aviation ratings were hardest hit in the cuts, it's happening elsewhere.

"There was such an urgency attached to the ERB, and they said it was to increase advancement and re-evaluation opportunity," said a chief operations specialist on an East Coast carrier who also chose to speak anonymously. "But it doesn't seem like

## Lawyers: ERB sailors might have a case

By Mark S. Forman  
[www.navytimes.com](http://www.navytimes.com)

Former Oklahoma lawyer E.W. Koller filed his lawsuit on behalf of 106 sailors not by the selected retention boards, he says the photo has been ringing off the hook.

"We've been getting calls, more and more sailors wanting to join the suit," Koller said. "We've had about 40 inquiries and it's not stopping."

Koller filed his suit Aug. 2 with the U.S. Court of Federal Claims. The unnamed plaintiff has been considering taking the suit to class-action status and representing all 2,000 sailors who were cut by the Navy's two ERBs held last year.

But many in the Navy are wondering whether Koller's case will hold up in court.

The number of sailors signed up adds credibility to the case, said

retired Marine lawyer Neal Peacock, who still practices military law as a civilian.

"When you can demonstrate a whole class of people that impacts, and not just one sailor, that definitely carries more weight," he said. "And that's why lawyers try to gather similarly impacted people together and get them qualified as a class."

But at the heart of this case, Peacock said, is the fact these sailors had their contracts broken.

"Contracts are sacrosanct in U.S. law, and it comes with rights and responsibilities both the Navy's and the sailor's sides," he said. "But it would seem to me to take an extraordinary national emergency to justify cutting short a sailor's enrollment in case either their crime or misconduct."

If Koller can show people were

lured to the second and third order effects of their actions,

"The ERB is with a very negative image out here," he said. "It's discussed often behind closed doors — the impact of breaking faith with sailors as well as the mounting issue — but rarely is it openly and candidly critiqued or it."

The problem is, Big Navy has dug its hole so deep this issue is hard that no one who wants to have a career will risk talking openly and frankly about it. But the fact is, the CPO rating lost a lot of good petty officer leadership in the ERB, and with the critical naval enlisted classification skills we need to fight our ships. You don't grow those sailors with just money."

But Navy officials say the ERB worked.

"The bottom line is that overall, most of the ERB ratings are now in balance," said Master Chief Petty Officer of the Navy (MSM) Kirk West. "It's providing itself with the recent advancements we had and that, in many of these ratings, recruitment improved has jumped from 30 percent to over 60 percent."

But that's doing little to ease concerns of some sailors.

"If they did it once, they can do it again," said the chief operations specialist. "I know leadership is saying they don't plan to have an ERB over the next few years, but there's a level of trust among sailors that's gone now and it will be hard to get that back."

#### Voice in Congress

Separated sailors have a major advocate in Rep. Scott Rigell, R-Va., who wants to spend challenges the Navy has in a Congressional hearing.

In June, Rigell went to Vice Adm. Scott Van Hooker, the chief of naval personnel, and asked him to extend the deadline for 173 ERB sailors who were within a year of qualifying for career appointments. Van Hooker declined.

Now, Rigell wants the military personnel panel of the House Armed Services Committee to take a look at the ERB, too.

"I am concerned about the way the ERB was conducted," Rigell said in an Aug. 6 letter to Rep. Joe Wilson, R-S.C., who chairs the

panel in the process and there was a different way to get it done without involuntary cuts, the Navy could be held accountable," Rigell said.

Navy officials have declined comment on the suit. But Capt. Brenda Malone, spokeswoman for the Navy at the Pentagon, said earlier this month that the ERB was "considered to be the fairest and most effective way to achieve stability in our force and have the greatest benefit to the fleet in the short and long terms."

Rigell isn't the only military lawyer who says the sailors have a case. Charles Edition, another former military attorney now in private practice, considered taking the sailor's case to court himself before quitting military law earlier this spring.

"I totally agree with the lawsuit against the Navy," Edition said. "I think it has merit because the Navy has disgraced itself by failing to look after its people in an effort to cut people without the proper procedure. The ERB is and has been a disgraceful effort by Navy leadership to circumvent the rights of sailors to due process."

Subcommittee, and to Rep. Susan Davis, D-Calif., the ranking Democrat.

"The Navy recently released guidance on the Voluntary Separation Program and the Navy incentive Pay offering eligible sailors an additional \$600 to \$1,000 a month to support critical performance at sea requirements," he wrote. "Sailors who are separating due to ERB might potentially be on the rating and pay grade combinations that are not critical billets at sea. They should be given the opportunity to fill those positions and not be involuntarily separated."

And the Fleet Reserve Association, the only lobbying group for enlisted sea service members, agrees.

"There's a major disconnect between the ERB separation affecting certain ratings — and the Navy's efforts to new pay personnel — more in those same ratings to go to sea or extend sea duty," said Joe Burton, FRA's national executive director.

See **ERB** next page

## **Manning**

From President's Desk

"He always expected — why  
ever the search took effect  
with some of the FBI when he  
applied to the office as duly  
elected to help affect the search.

"I believe these FBI agents, like Felt, deserved fair  
and unbiased treatment at the  
beginning through its simple  
Merry's Bill, and have what he  
believed to be a continuing per-

sonal and firm commitment  
from the FBI to continue their  
work until the day when the  
FBI has the evidence it needs  
to make the decision.

"Then, like the Justice  
Department, we are looking into the matter.  
The truth is a precious com-

modity that the FBI set in the  
hands of Charles E. Murphy  
in 1968. He has the power  
and authority to do so, and  
he must do so. He must do so  
so that the United States  
FBI, and through them the  
United States, they help us to find  
to make that step."

Initiation of the "Truth Commission" by the FBI is a positive step,  
according to Charles E. Murphy,  
the former FBI Director. He has  
the power and authority to do so,  
and he must do so. He must do so  
so that the United States  
FBI, and through them the  
United States, they help us to find  
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