

Gate Waiver Request Instructions (for Continuous AvIP) – Current as of July 2022

1. Use the template available at <https://www.mynavyhr.navy.mil/> (googling MyNavyHR and “Flight Pay” will bring you closest to the current page under PERS-43) but please read this entire primer carefully and reference it as you draft your Request and CO endorsement. The official instruction is the SECNAVINST 7220.88. We host it on our website for your use as well. If any information here is in conflict with the instruction, use the instruction.

2. The window for submitting a gate waiver opens one year prior to the gate in question, and closes two years after the gate in question. To submit a waiver, you must have at least 72 MOF. If you have not yet accrued 72 MOF, please submit your waiver once you have accrued 72 MOF, assuming this occurs within the broader submission window.

Officers who have fewer than 120 MOF at the 18 year gate will be considered for a “**low gate**” waiver, which, if granted, will entitle them to continuous AvIP through **22 years** of aviation service. Officers who have between 120 and 143 MOF at the 18 year gate will be considered for a “**high gate**” waiver, which, if granted, will entitle them to continuous AvIP through **25 years** of aviation service.

3. To calculate when the gate occurs, simply add 12 or 18 years to your Aviation Service Entry Date (ASED). **Aviation Commissioning Date (ACD) and Aviation Service Entry Date (ASED)**. See blocks 26 and 27 on your Officer Data Card (ODC), available on BuPers Online (BOL). ASED is the first day you report to a squadron/wing/unit that physically possesses aircraft for the purpose of flying, i.e. reporting to Primary Flight Training. If your ASED matches your commissioning date or otherwise does not account for a break in active service (i.e. CIP), please notify PERS-435 to have your ASED corrected and your MOF status reviewed. API does not count as “aviation service”.

4. Below are instructions on how to count up the months of your aviation service career so that your letter matches the official way that policy directs us (PERS-435) to count up months in order to determine continuous AvIP eligibility. There have been issues with the record keeping system and common missing periods including FRS training. I-Stops for Flying Training that are interrupted with non-flight training stops can complicate the count. You do not earn the entire block as MOF if your Flight Training was interrupted with multi-week non-flying training (ex. Safety School).

5. “**Total MOF performed.**” For the two subsections to this part of the letter, they should read:

c. Total MOF performed:

- i. At the 12/18 year gate: XX (if the gate will happen in the future, add the word “projected” in parenthesis)
- ii. As of the date of this letter: YY

MOF is automatically counted based on your gain to all DIFOPS tours and is reflected on your ODC in block 28. This # is your status as of the date you’re generating your request. To project for your Gate, you’ll need to do the math for yourself between your projected DIFOPS status and calendar months to go until your Flight Gate. If you do not believe the data in block 28 is accurate, see the info on counting months below to validate the information for yourself. If you believe there to be an error, contact PERS-435.

When listing your MOF count at the 12/18 year gate, remember that the month in which you earn your very first MOF in your career cannot also count 12/18 years later as a MOF earned prior to the gate. To illustrate: an officer who reported to primary on 5 January 2000 earned his first MOF in January of 2000; it makes logical sense then that January of 2012 cannot count as a MOF achieved prior to the gate. This is because the gate occurs on a specific day—the 5th of January 2012, in this case. Assuming continuous DIFOPS time throughout, this officer’s MOF count could not possibly be 145 in 12 years. His MOF would be 144 at the 12 year gate, and his 145th MOF (January of 2012) would not technically accrue until he was past his 12 year gate. Conversely, an officer who reported to primary on 25 January 2000 would not have earned her first MOF until February 2000; therefore, January of 2012 would count as a full month inside of her 12 year gate (and as a MOF credit, if she spent it on DIFOPS orders). See below for determining situations involving reporting or detaching on the 15th of the month.

6. **Validating your ODC MOF.** NSIPS has a useful tool that will show you your official gain and loss date from each command. We recommend using the NSIPS History of Assignments (NSIPS Main > Professional History > History of Assignments) and NSIPS History orders files (also under Professional History). Highlight all DIFOPS tours starting with Primary Flight Training (again, API does not

count). Do not highlight TDY or anything else for which you were not issued a set of DIFOPS or DIFDEN orders (i.e. GSA assignments should be listed, but IA should not).

a. **How to Count the Months.** These directions are based on three basic principles:

i. You receive months of operational flying (“MOF”) credit not for doing flying, but for being under Duty Involving Flying (“DIFOPS”) orders;

ii. You are considered to be under your *next* set of orders effective the day after the date of your “Detachment of Individual” fitness report (or fitness report extension letter) from your previous command. (Therefore time spent doing intermediate stops while en route to a flying tour counts as MOF, but I-stop time en route to a DIFDEN tour does not.)

iii. There are no fractional months in the counting of MOF. Months that are split between DIFOPS and DIFDEN tours are awarded in their entirety to one or the other tour, according to the following rule, from CNAF M-3710.7: *“Operational flying duty time shall be credited in months. So far as fractions of months are concerned, the 15th day of the month is the breakeven point for crediting or not crediting a month. Detachment from operational flying duty after the 15th day of any month or assignment to operational flying duty on or before the 15th day of any month entitles a member to credit for the entire month. The date a member signs out or otherwise vacates an assignment will be used as the date of detachment. The next day will be used as the date of assignment.”*

- CNAF M-3710.7, section 11.3.2 paragraph b.

Or, in other words, to get a MOF credit for a month during which an officer transfers from DIFOPS to DIFDEN, his or her detaching FITREP must be end-dated on the 16th or later; and to get MOF credit for a month during which an officer transfers from DIFDEN to DIFOPS, his or her detaching FITREP must be end-dated on the 14th or earlier.

Ensure that every month, from your first MOF to the date of your letter, is included **exactly once** somewhere in your list of DIFOPS and DIFDEN tours. Your dates for each tour should match your report date and loss dates in your NSIPS History of Assignments. If there is a gap between loss date and the subsequent report date, use the day after your previous loss date as your report date for the next tour.

7. **The CO’s endorsement.**

a. There is no template for the CO/reporting senior endorsement of the gate waiver. Please do not request one from PERS-435. If you need help drafting an endorsement letter, please seek assistance from your nearest administrative office.

b. Endorsements must be on command letterhead.

c. Endorsements are not required to contain anything other than the CO/reporting senior’s statement that the request is forwarded with a recommendation of approval (or not).

d. If COs wish to include more in their endorsement, this can be an appropriate place for descriptions of why you were detailed to non-flying billets; why the Navy needed this officer to take this hard staff job, or this tough non-flying sea duty, etc. Generic statements about the quality of the officer will not generally improve the chances of waiver approval; but explanations of why the DIFDEN tours were necessary, and therefore why the SECNAV should approve the AvIP for the officer who did not meet the MOF, may improve those chances. (Also, any officer who wishes to include his or her own explanation of their own DIFDEN tours that were “hard fills” or needs of the Navy etc. may do so by simply adding a paragraph to the waiver request letter.)

8. **Submission method.** Please scan and email your request and endorsement (preferably in one pdf) to avipandavb@navy.mil. Remember that gate waiver authority belongs to SECNAV, and may be delegated to DASN (MM&P). For this reason waiver requests can take three to six months, or even more for adjudication, as they are routed from PERS-435 through PERS-4, CNPC, N1 staff, and then DASN (MM&P). Please be patient, and please get your waiver requests in early....you can submit as soon as you are within a year of your gate (and have a minimum of 72 MOF).

9. **Conditional AvIP.** If your Flight Gate will come to pass while you are currently in a DIFOPS tour and flying, you can expect two things:

1. Your Aviation Incentive Pay (AvIP; “Flight Pay”) will automatically suspend itself effective your ASSED anniversary at the Failed Flight Gate.

2. You’re eligible for Conditional AvIP while we wait on the adjudication of your Gate Waiver.

We cannot prevent your AvIP entitlement from automatically securing but we can manually reopen your account effective the date of the Gate Failure to prevent a gap in payment periods. Please see our website for the information and templates regarding Conditional AvIP. You'll need to submit a memo to us but there's no command endorsement required for reopening the account. Please provide the Conditional Start request within the month you'll fail the Flight Gate. DFAS cannot process "future dates" and sending the document too early to us makes it likely to get lost in the onslaught of other Service Members' needs. If your Flight Gate is close to the end of a month and you've submitted a Conditional Start Request. Expect that you'll still see a gap in your total monthly amount due to the processing deadlines with DFAS (cutoff is typically the Thursday before payday and again, they cannot process "future dates"). Any gap will be paid back to you when we're able to open your account the month following the Gate Failure.

Overall, Conditional AvIP is the short term fix for getting your AvIP after a Gate Failure (assuming you're in a DIFOPS tour and flying) while a Gate Waiver Approval will be able to grant you AvIP until your next Flight Gate or program completion.

12. **Likelihood of approval.** Per OPNAVINST 7220.18A, "waivers will only be considered for due-course officers that have screened or have potential to be selected for career milestones (i.e., aviation department head and aviation command)." If you are no longer eligible to screen for the next career milestone (i.e. 2xFOS and DPMS), do not expect your waiver request to be approved.

- PERS-435