



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

■  
Docket No. 5521-20  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER ■■■■■■■■■■  
USN, XXX-XX-■■■■■

Ref: (a) Title 10 U.S.C. § 1552  
(b) DODI 1332.29  
(c) MILPERSMAN 1920-040

Encl: (1) DD Form 149 w/attachments  
(2) 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 establish eligibility to receive Involuntary Separation Pay (ISP).

2. The Board, consisting of ■■■■■■■■■■, ■■■■■■■■■■, and ■■■■■■■■■■, reviewed Petitioner's allegations of error and injustice on 23 June 2021 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. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. In accordance with reference (b), half payment of non-disability ISP is authorized to Service members who are involuntarily separated from active duty and meet the five specified criteria listed. Additionally, eligible Service members must prior to separation enter into a written agreement to serve in the Ready Reserve for a period of 3-years and must sign a mandatory disclosure statement regarding the consequences of collecting retired/retainer pay or Veterans Affairs disability compensation after receiving ISP. Furthermore, reference (c), authorizes half separation pay for "non-retention eligible" individuals that separate as a result of Physical Fitness Assessment Failure.

b. Petitioner's Active Duty Service Date was 14 December 2009.

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c. On 1 August 2017, Petitioner was issued BUPERS Order: 2137 (Official Separation Orders) indicating a separation code (SPD) of "JFT" and effective date of separation on 4 August 2017.

d. Petitioner was discharged 4 August 2017 as a result of not meeting "Physical Standards". At the time of discharge, the Petitioner completed 7-years, 7-months, and 21-days of active duty service, received as Reentry Code of "RE-3F" and a Separation Code of "JFT".

e. On 16 August 2017, Naval Hospital [REDACTED] notified Personnel Support Detachment Charleston of Petitioner's separation indicating an SPD of "JCR" and Narrative Reason for Separation as "Weight Control Failure".

f. On 18 August 2017, Petitioner was issued DD Form 215, Correction to DD Form 214, Certificate of Release or Discharge from Active Duty amending Block 26 to reflect "JCR vice JFT" and Block 28 to read "Weight Control Failure vice Physical Standards".

g. On 23 August 2017, Petitioner signed "Agreement to Serve in the Ready Reserve (ISP)" NAVPERS 1070/613, Administrative Remarks.

h. On 25 August 2017, Commander, Navy Personnel Command (PERS-93) denied Petitioner the ability to reenlist in the Individual Ready Reserve.

i. On 3 August 2018, Defense Finance and Accounting Service (DFAS) notified Senator Lewis' office confirming Petitioner had not received ISP as a result of not receiving the separation order and service agreement. Subsequently, Petitioner provided DFAS with documentation, however, on 25 November 2019, DFAS notified Senator Lewis' office that Petitioner failed to provide a written agreement; therefore; could not honor the request for ISP.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. Petitioner met the eligibility criteria to receive half ISP in accordance with references (b) and (c); however, as a result of administrative oversight, ISP processing documents were not completed prior to being discharged. Although the proper administrative requirements were not completed, the Board felt that under these circumstances, relief is warranted.

## RECOMMENDATION

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

Petitioner, in coordination with his command completed the required written agreement, NAVPERS 1070/613, Administrative Remarks on 3 August 2017 and submitted it to Commander, Navy Personnel Command for inclusion in Petitioner's Official Military Personnel File.

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Petitioner was authorized payment of "Half" ISP based on his discharge which occurred on 4 August 2017. Note: Petitioner is required to sign a mandatory disclosure statement per reference (b) prior to the processing of ISP.

A copy of this Report of Proceedings will be filed in Petitioner'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.

7/13/2021

[REDACTED]

Deputy Director

Signed by: [REDACTED]