



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

[REDACTED]  
Docket No. 8800-20  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER [REDACTED]  
XXX XX [REDACTED] USMCR

Ref: (a) Title 10 U.S.C. § 1552  
(b) MCO 1900.16 w/ CH 2

Encl: (1) DD Form 149 w/attachments  
(2) HQMC memo 1910 RAP of 28 Jan 21  
(3) 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 full Involuntary Separation Pay (ISP).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 20 October 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), full ISP is authorized to Service members who are involuntarily separated from active duty, meet the specified criterions listed and enter into a written agreement to obligate an additional 3-years in the Individual Ready Reserve (IRR). Additionally, with regards to the additional IRR obligation, a Marine who enters into this written agreement and who is not qualified for appointment or enlistment in the IRR need not be enlisted to be considered to have met this condition of eligibility for separations pay.

b. Petitioner enlisted the U.S. Marine Corps Reserves on 12 March 2003.

c. Petitioner began active duty service in the Active Reserve program on 7 January 2008.

d. Petitioner reenlisted for 4-years in the U.S. Marine Corps Reserve on 22 February 2017.

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- e. Petitioner was assigned to the Body Composition Program (BCP) on 31 October 2018.
- f. Petitioner was relieved as the Company's Administrative Chief on 25 February 2019 "for failing to accomplish duties and expectations of his billet."
- g. Petitioner received an adverse fitness report for period of 1 October 2018 to 12 March 2019 and was not recommended for promotion.
- h. Petitioner's annual fitness report for period of 13 March 2019 to 30 September 2019 recommended him for retention and promotion.
- i. Petitioner was denied continuation in the Active Reserve program on 5 March 2020 and informed he was to be released from active duty not later than 1 November 2020.
- j. On 13 September 2020, Petitioner issued Discharge Order indicating effective 19 September 2020, authorized to proceed on "44 days(s) of annual leave awaiting release from active duty at 2359, 1 November 2020."
- k. Petitioner began terminal leave on 19 September 2020.
- l. Petitioner submitted a request for Reenlistment or Lateral Move (RELM) on 29 October 2020 to request authorization for ISP subsequent to denied enlistment with Army.
- m. On 1 November 2020, Petitioner was released from active duty and transferred to the Marine Corps Individual Ready Reserve. At the time of release, Petitioner had a Reserve Obligation Termination Date of 21 February 2021, completed 14-years, 4-months and 26-days of active duty service, received Separation Code of "LBK2" and Reentry Code of "RE-1B."
- n. On 18 November 2020, Headquarters Marine Corps (HQMC) disapproved Petitioner's RELM indicating, "SNM executed terminal leave and subsequently separated at own request to the inactive ready reserve and no longer eligible for separation pay determination IAW DODI 1332.29." RELM included "SNCOIC comments: SNM does not meet reenlistment prerequisite, over HT/WT/BF...recommend approval of half separation pay and waiving the 36 month reenlistment in the Ready Reserve; and Commanding Officer comments: SNM is currently not in HT WT standard and relieved of duties as S-1 Chief a year ago. Not recommended for promotion/retention."
- o. On 21 February 2021, Petitioner discharged at Reserve end of current contract date.
- p. 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 favorable action.

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## 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 corrective action. Petitioner met the eligibility to receive a half ISP in accordance with reference (b); however, because of administrative oversight, Petitioner's ISP request was denied. Although the proper administrative requirements were not completed, the Board felt that under these circumstances, partial relief is warranted.

## RECOMMENDATION

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

Petitioner's DD Form 214, Certificate of Release or Discharge from Active Duty dated 1 November 2020 is amended to reflect Block 26 (Separation Code) "JGH5" vice "LBK2"; and Block 28 (Narrative Reason for Separation) "Non-retention on Active Duty" vice "Completion of Required Active Service." Note: Commandant of the Marine Corps shall determine ISP amount and add to Block 18 (Remarks) accordingly.

HQMC "approved" vice "disapproved" Petitioner RELM for ISP on 18 November 2020. Petitioner was authorized payment of "Half" ISP based on his discharge which occurred on 1 November 2020.

The part of the request for corrective action that exceeds the foregoing is denied. In accordance with reference (b), Petitioner did not meet the criteria for "full" 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.

11/23/2021

[REDACTED]  
Deputy Director

Signed by: [REDACTED]