



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

■  
Docket No. 8871-20  
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, ■■■■■■■■■■

Ref: (a) Title 10 U.S.C. § 1552  
(b) DODI 1332.29  
(c) MILPERSMAN 1920-030  
(d) MILPERSMAN 1160-120

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 15 September 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 payment of non-disability ISP is authorized to Service members who are involuntarily separated from active duty and meet the five specified criteria listed. This criteria includes, eligible Service members must prior to separation enter into a written agreement to serve in the Ready Reserve for a period of 3-years in addition to any service obligation remaining at the time of separation. Additionally, Service members must sign a mandatory disclosure statement regarding the consequences of collecting retired/retainer pay or Veterans Affairs disability compensation after receiving ISP.

b. Reference (c), requires enlisted Sailors to have the Commanding Officer's recommendation for advancement and retention and are required to take and pass the most recent advancement examination before separation to qualify of full separation pay.

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER [REDACTED],  
USN, [REDACTED]

c. Per reference (d), High Year Tenure (HYT) for Sailors in paygrade E-4 is 10-years length of service. Additionally, active component and full time support eligible to participate in the September Navy Wide Advance Examination (NWAEE) must be on active duty on 1 January of the following year to compete for advancement.

d. Petitioner's Active Duty Service Date was 17 February 2010.

e. Petitioner advanced to Hospital Corpsman/E-4 on 16 June 2014.

f. Petitioner reenlisted on 29 September 2017 for a term of 2-years. Thereafter, Petitioner executed 14-months of aggregate extensions. End of Active Obligated Service: 28 November 2017.

g. Petitioner participated in and passed not advanced the March 2020 (Cycle 247) NWAEE.

h. Petitioner's Detachment of Individual NAVPERS 1616/26, Evaluation Report & Counseling Record (E1-E6) for period of report 16 June 2020 through 28 November 2020 recommended advancement and retention.

i. On 16 November 2020, Petitioner discharged as a result of reaching HYT. At the time of discharge, Petitioner completed 10-years and 9-months of active duty service, received a Separation Code of "JBK" and Reentry Code of "RE-6."

j. Petitioner reenlisted on 17 November 2020 for a term of 3-years. Note: Navy Personnel Command (PERS-93) confirmed Petitioner was eligible for Ready Reserve reenlistment but the contract was not received from the Command until 5 December 2020. Additionally, 16 November 2020 was erroneously entered as the new contract expiration date.

k. On 23 November 2020, Petitioner issued BUPERS Order: 3280 (Official Separation Orders) indicating "Effective Date of Separation 24 November 2020 and SPD "JBK".

l. On 8 September 2021, Petitioner acknowledged 3-year Ready Reserve requirement.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting the following corrective action. Petitioner met the eligibility criteria to receive Full ISP in accordance with references (b) and (c); however, as a result of administrative oversight, ISP processing documents were not completed prior to being released from active duty. 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:

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER [REDACTED],  
USN, [REDACTED]

Petitioner, in coordination with his command, completed the required Ready Reserve written agreement, NAVPERS 1070/613, Administrative Remarks on 15 November 2020 and submitted it to Commander, Navy Personnel Command for inclusion in Petitioner's Official Military Personnel File.

Petitioner's NAVPERS 1070/601, Immediate Reenlistment Contract executed on 17 November 2020 for a term of 3-years is amended to reflect contract expiration date of "16 November 2023" vice "16 November 2020."

Petitioner was authorized payment of "Full" Involuntary Separation Pay (ISP) based on his 16 November 2020 discharge. 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.

10/22/2021

[REDACTED]  
Deputy Director  
[REDACTED]