



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

■
Docket No. 1024-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED] USNR, [REDACTED]

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 [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 10 November 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.

c. Per reference (d), High Year Tenure (HYT) for Sailors in paygrade E-3 is 6 years length of service. Additionally, active component and full time support eligible to participate in the September Navy Wide Advance Examination (NWAE) must be on active duty on 1 January of the following year to compete for advancement.

d. Petitioner's Active Duty Service Date was 21 May 2014.

e. Petitioner advanced to Hospital Corpsman/E-3 on 21 October 2014.

f. Petitioner participated in and passed not advanced the March 2020 (Cycle 247) NWAE.

g. On 16 November 2020, Petitioner issued BUPERS Order: 3210 (Official Separation Orders) indicating "Effective Date of Separation 20 December 2020 and SPD "LBK"".

h. Petitioner's Detachment of Individual NAVPERS 1616/26, Evaluation Report & Counseling Record (E1-E6) for period of report 16 July 2020 through 9 November 2020 recommended advancement and retention.

i. On 7 December 2020, Petitioner signed two "Full Separation Pay Inactive Ready Reserve (IRR) Requirements" NAVPERS 1070/613, Administrative Remarks. Additionally, Petitioner signed "Involuntary Separation Pay" NAVPERS 1070/613, Administrative Remarks but the document is not dated.

j. On 20 December 2020, Petitioner was released from active duty and transferred to the Navy Ready Reserve as a result of reaching HYT. DD Form 214, Certificate of Release or Discharge from Active Duty reflects Reserve Obligation Termination Date of 3 March 2020, completion of 6 years and 7 months of active duty service, Separation Code of "LBK", and Reentry Code of "RE-6".

k. On 21 December 2020, Petitioner executed NAVPERS 1070/601, Immediate Reenlistment Contract for a term of 5 years.

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 ISP in accordance with references (b) and (c); however, as a result of administrative oversight, ISP processing documents were not properly 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 [REDACTED] USNR [REDACTED]

Petitioner, in coordination with his command, completed the "Involuntary Separation Pay," NAVPERS 1070/613, Administrative Remarks on 7 December 2020 and submitted it to Commander, Navy Personnel Command for inclusion in Petitioner's Official Military Personnel File.

Petitioner's DD Form 214, Certificate of Release or Discharge from Active Duty dated 20 December 2020 is amended to reflect Block 6 (Reserve Obligation Termination Date) "20251220" vice "20220303."

Petitioner was authorized payment of "Full" ISP based on his 20 December 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.

12/7/2021

[REDACTED]

Deputy Director

[REDACTED]