



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

█
Docket No. 2939-21
Ref: Signature Date

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

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

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 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.

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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 March Navy Wide Advance Examination (NWAE) must be on active duty on 1 July of the same year to compete for advancement.

d. Petitioner's Active Duty Service Date was 4 October 2010.

e. Petitioner advanced to Hospital Corpsman Third Class/E-4 on 16 February 2015.

f. Petitioner participated in and passed not advanced the September 2020 (Cycle 248) NWAE.

g. On 25 March 2021, Petitioner issued BUPERS Order: [REDACTED] (Official Separation Orders) indicating "Effective Date of Separation 3 April 2021 and SPD "JBK."

h. Petitioner's Detachment of Individual NAVPERS 1616/26, Evaluation Report & Counseling Record (E1-E6) for period of report 16 June 2020 through 3 April 2021 recommended advancement and retention.

i. On 3 April 2021, Petitioner was discharged from active duty as a result of reaching HYT. DD Form 214, Certificate of Release or Discharge from Active reflects Reserve Obligation Termination Date as "NA," completion of 10-years and 6-months of active duty service, Remarks: "Member did not provide documentation regarding affiliation or attempt to affiliate with Navy Reserves. Although Separated with HYT SPD, member did not meet requirements for Involuntary Separation Pay," Separation Code of "JBK" and Reentry Code of "RE-6."

j. On 4 April 2021, Petitioner signed NAVPERS 1070/601, Immediate Reenlistment Contract for a term of 3-years "to incur sufficient service for separation pay."

k. On 7 May 2021, Navy Personnel Command (PERS-93) informed the examiner that the servicing Personnel Support Detachment did not process Petitioner's Individual Ready Reserve (IRR)/ISP package because they did not receive the IRR contract until 5-days after the member separated from active duty. Additionally, PERS-93 confirmed Petitioner met the requirements for full ISP.

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.

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RECOMMENDATION

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

Petitioner, in coordination with her command, completed the "Involuntary Separation Pay," NAVPERS 1070/613, Administrative Remarks on 25 March 2021 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 3 April 2021 is amended to reflect Block 6 (Reserve Obligation Termination Date) "20240403" vice "NA." Note: Navy Personnel Command shall determine ISP amount and adjust Block 18 (Remarks) accordingly.

Petitioner executed NAVPERS 1070/601, Immediate Reenlistment Contract on 4 April 2021 for a term of 3-years.

Petitioner was authorized payment of "Full" ISP based on his 3 April 2021 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.

12/13/2021

[REDACTED]

Deputy Director

Signed by: [REDACTED]