



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

Docket No. 3627-21
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] USMC

Ref: (a) Title 10 U.S.C. § 1552
(b) DODI 1332.29

Encl: (1) DD Form 149 w/attachments
(2) HQMC memo 5420 MMEA of 24 Jun 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 entitlement to Full Involuntary Separation Pay (ISP).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 24 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, complete 6 years of active duty; separation is characterized as honorable; 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. However, a Service member who enters into this written agreement and is deemed unqualified for the Ready Reserve may still be eligible for ISP. 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. Petitioner's Armed Forces Active Duty Base date was 20 August 2008.

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- c. Petitioner reenlisted in the Marine Corps for 4 years on 14 November 2016.
- d. On 21 March 2018, Petitioner issued a derogatory NAVMC 118(11), Administrative Remarks and provided a rebuttal statement on 28 March 2018.
- e. Petitioner extended his contract on 19 September 2018 for a term of 2 months.
- f. On 7 December 2020, Commandant of the Marine Corps (CMC), Manpower Management, Enlisted Assignments Branch (MMEA) denied Petitioner's reenlistment request and authorized half ISP with a reenlistment code of RE-04.
- g. On 13 January 2021, Petitioner was honorably discharged. DD Form 214, Certificate of Release or Discharge from Active Duty reflects completion of 12 years, 4 months and 24 days of active duty service, Separation Code of "JGH5," and Reentry Code of "RE-04."
- h. On 20 May 2021, the Board granted Petitioner relief (Docket No. 3891-20) and removed the 21 March 2018 derogatory NAVMC 118(11), Administrative Remarks and the 28 March 2018 rebuttal submitted in response from his record.
- i. 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.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2) and BCNR Docket No. 3891-20 decision to remove derogatory NAVMC 118(11) administrative remarks, the Board finds the existence of an injustice warranting relief with the following corrective action.

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 13 January 2021 is amended to reflect Block 26 (Separation Code) "JBK1" vice "JGH5"; Block 27 (Reentry Code) "RE-1A" vice "RE-04"; and Block 28 (Narrative Reason for Separation) "Completion of Required Active Service" vice "Non-Retention on Active Duty."

Note: CMC shall determine ISP amount and adjust Block 18 (Remarks) accordingly.

Petitioner was authorized payment of "Full" vice "Half" ISP based on his 13 January 2021 discharge.

Note: Defense Finance and Accounting Service will complete an audit of Petitioner's pay records to determine ISP entitlement due.

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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.

12/23/2021

[REDACTED]
Deputy Director

Signed by: [REDACTED]