



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

█  
Docket No. 5669-21  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █, USNR,  
█

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 entitlement to Involuntary Separations Pay (ISP).

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 16 February 2022 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), 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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[REDACTED]

c. Per reference (d), High Year Tenure (HYT) for Sailors in paygrade E-3 is 6-years length of service.

d. Petitioner enlisted on 31 May 2013 for a term of 8-years in pay grade E-3; Active Duty Service Date was 8 January 2014.

e. Petitioner's Periodic NAVPERS 1616/26, Evaluation Report & Counseling Record (E1-E6) for period of report 16 July 2018 through 15 July 2019 recommended advancement and retention.

f. Petitioner participated in and passed not advanced the September 2019 (Cycle 244) Navy Wide Advancement Exam.

g. On 17 December 2019, Navy Personnel Command (PERS-93) advised Petitioner's command that he was eligible for full ISP and separation code of "LBK".

h. On 30 December 2019, Petitioner issued BUPERS Order: 3609 (Official Modification to Separation Orders) indicating "SPD "MBK" and Effective Date of Separation 07 Jan 2020."

i. On 7 January 2020, Petitioner was released from active duty and transferred to the Navy Ready Reserve as a result of completion of required active service. At the time of release, Petitioner completed 6-years of active duty service, received as Reentry Code of "RE-1," Separation Code of "MBK" and Reserve Obligation Termination Date of 30 May 2021.

j. Petitioner reenlisted in the Ready Reserve on 8 January 2020 for a term of 5-years.

k. On 16 July 2020, Navy Personnel Command (PERS-93) confirmed Petitioner's eligibility for full ISP; however, the separating Personnel Support Detachment failed to process the payment.

## 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 processed 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:

Petitioner's BUPERS Order: 3609 (Official Modification to Separation Orders) dated 30 December 2019 is amended to reflect separation code of (SPD) of "LBK" vice "MBK."

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[REDACTED]

Petitioner, in coordination with his command completed the "Involuntary Separation Pay," NAVPERS 1070/613, Administrative Remarks on 30 December 2019 and submitted it to Commander, Navy Personnel Command for inclusion in Petitioner's Official Military Personnel File.

Petitioner issued DD Form 215, Correction to DD Form 214, Certificate of Release or Discharge from Active Duty dated 7 January 2020 modifying Block 26 (Separation Code) "LBK" vice "MBK" and Block 27 (Reentry Code) "RE-6" vice "RE-1". Note: Navy Personnel Command shall determine ISP amount and adjust Block 18 (Remarks) accordingly.

Petitioner was authorized payment of "Full" ISP based on his 7 January 2020 separation. 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.

3/5/2022

