



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

██████████  
Docket No. 140-22  
Ref: Signature Date

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

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

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) NPPSC ltr 5400 Ser N00/095 of 1 Mar 22  
(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 her naval record be corrected to reflect a discharge date of 5 August 2021 vice 27 July 2021 to receive Involuntary Separation Pay (ISP).

2. The Board, consisting of ██████████ reviewed Petitioner's allegations of error and injustice on 26 May 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, she exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

- a. Petitioner's Active Duty Service Date was 6 June 2005.
- b. On 28 June 2013, Petitioner reenlisted for a term of 5 years.
- c. On 22 March 2017, Petitioner signed NAVPERS 1070/621, Agreement to Extend Enlistment for a term of 12 months to "Incur sufficient obligated service to HYT date of 19JUN05 in accordance with MILPERSMAN 1160-040."
- d. On 1 February 2018, Petitioner issued BUPERS Order: 0328 (Official Change of Duty Orders) requiring obligated service to July 2021.
- e. In June 2018, Petitioner was granted a HYT waiver to obligate service for BUPERS Order 0328 per Officer in ██████████ Navy Medicine Readiness and Training Unit ██████████ letter to the Board dated 19 May 2022.

f. On 12 June 2018, Petitioner signed NAVPERS 1070/621, Agreement to Extend Enlistment for a term of 25 months “To match EAOS with Prescribed Tour Length per NAVADMIN 307/17. Extend to incur sufficient obligated service to execute BUPERS Order 0328 dated 18FEB01 in accordance with MILPERSMAN 1160-040”; end of active obligated service (EAOS) 27 July 2021.

g. On 9 February 2021, Petitioner signed NPPSC 1900/1, Separation Questionnaire that indicated separation date of 5 August 2021.

h. In March 2021, Petitioner participated in Cycle 251 Navy Wide Advancement Exam and failed.

i. On 9 April 2021, Petitioner signed “Selected Reserve (SELRES) Affiliation Counseling.”

j. On 6 July 2021, Petitioner issued BUPERS Order: 1871 (Official Separation Orders) indicating “SPD: KBK and Effective Date of Separation 27 JUL 2021.”

k. Petitioner issued Detachment of Individual NAVPERS 1616/26, Evaluation Report & Counseling Record (E1-E6) for period of report 16 March 2021 through 27 July 2021 recommending advancement and retention.

l. On 27 July 2021, Petitioner discharged after completing 16 years, 1-month and 22 days of active duty service. Petitioner’s DD Form 214, Certificate of Release or Discharge from Active Duty indicates: Reserve Obligation Termination Date – NA; Remarks – Separation Payment-\$69,598.74 (Full)- Disbursing Office Symbol 8371; Separation Code – “KBK”; and Reentry Code of “RE-R1.”

m. On 28 July 2021, Petitioner executed a 3-year reenlistment in the Navy Reserve and was assigned to a SELRES unit.

n. On 12 October 2021, Petitioner signed “Involuntary Separation Pay” NAVPERS 1070/613, Administrative Remarks and NAVPERS 1070/601, Immediate Reenlistment Contract indicating “I am reenlisting in the United States Navy/Navy Reserve for 3 years from 2021 08 06 unless sooner discharged by proper authority. My new contract expiration date is 2024 08 05.”

## CONCLUSION

Upon review and consideration of all the evidence of record, and in light of the contents of enclosure (2)<sup>1</sup>, the Board finds the existence of an injustice warranting the following corrective action. The Board concluded Petitioner separated at her EAOS past her HYT date, and completed the obligated service required for BUPERS Order 0328; therefore, met the eligibility criteria to receive half ISP in accordance with references (b)<sup>2</sup> and (c)<sup>3</sup>. However, because of administrative oversight, ISP processing was not

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<sup>1</sup> 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.

<sup>2</sup> 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, reenlistment denial on active duty and eligible Service members entering 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.

<sup>3</sup> 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 for full separation pay.

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properly completed in conjunction with Petitioner being separated on 27 July 2021. Although the proper administrative requirements were not completed, the Board felt that under these circumstances, partial relief is warranted.

#### RECOMMENDATION

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

Petitioner's BUPERS Order: 1871 (Official Separation Orders) dated 6 July 2021 is modified to reflect SPD "JGH" vice "KBK."

Petitioner, in coordination with her command, completed the "Involuntary Separation Pay," NAVPERS 1070/613, Administrative Remarks on 6 July 2021 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 27 July 2021. Corrections include: Block 6 (Reserve Obligation Termination Date) "27 July 2024" vice "NA"; Block 23 (Type of Separation) "RELACDU and Transferred to Navy Reserve" vice "Discharged"; Block 26 (Separation Code) "JGH" vice "KBK"; Block 27 (Reentry Code) "RE-6" vice "RE-R1"; and Block 28 "Non-Retention on Active Duty" vice "Completion of Required Active Service."

This change will authorize Petitioner payment of "Half" ISP based on her 27 July 2021 separation. Note: Petitioner is required to sign a mandatory disclosure statement per reference (b) prior to the processing of ISP.

The part of Petitioner's request for corrective action that exceeds the foregoing is denied. The Board determined correction to the contract was not required for Petitioner to receive 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.

6/10/2022

[REDACTED]  
Deputy Director  
[REDACTED]