



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

[REDACTED]
Docket No. 559-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USNR,
XXX-XX-[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], [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 23 March 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), 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 for full separation pay.

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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 Advancement Examination (NWAE) must be on active duty on 1 January of the following year to compete for advancement.

d. Petitioner enlisted on 22 May 2014 and entered active duty on 8 December 2014.

e. On 8 December 2014, Petitioner signed NAVPERS 1070/601, Agreement to Extend Enlistment for a term of 12-months to incur sufficient obligation for the Hospital Corpsman rating.

f. Petitioner advanced to Hospital Corpsman/E-3 on 16 June 2016.

g. On 19 March 2018, Petitioner signed NAVPERS 1070/601, Agreement to Extend Enlistment for a term of 8-months to match his end of active obligated service (EAOS) with projected rotation date of August 2020.

h. On 7 November 2019, Petitioner signed NAVPERS 1070/601, Agreement to Extend Enlistment for a term of 4-months to incur sufficient obligated service to HYT date of 7 December 2020.

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

j. Petitioner's Detachment of Individual NAVPERS 1616/26, Evaluation Report & Counseling Record (E1-E6) for period of report 16 July 2019 through 15 July 2020 recommended advancement and retention.

k. Petitioner participated in the September 2020 (Cycle 248) NWAE; however the exam was invalidated as Petitioner was scheduled to separate prior to 1 January 2021. Subsequently, a 1-month extension was made operative changing Petitioner's EAOS to 7 January 2021.

l. On 7 January 2021, Petitioner was released from active duty and transferred to the Navy Reserve as a result of reaching HYT. At the time of release, Petitioner completed 6-years and 1-month of active duty service, received a Reentry Code of "RE-1," Separation Code of "MBK" Reserve Obligation Termination Date of 21 May 2022 and Remarks entry indicating "Special Separation Benefit - \$19,477.81."

m. On 8 January 2021, Petitioner signed NAVPERS 1070/601, Immediate Reenlistment Contract for a term of 5-years "to incur sufficient service for separation pay."

n. On 13 January 2021, Petitioner issued BUPERS Order: [REDACTED] (Official Separation Orders) indicating "Effective Date of Separation 14 January 2021 and SPD "MBK."

o. On 4 March 2022, Navy Personnel Command (PERS-93) informed the Board that Petitioner met the requirements for full ISP.

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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 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:

Petitioner issued DD Form 215, Correction to DD Form 214, Certificate of Release or Discharge from Active Duty dated 7 January 2021 modifying Block 6 (Reserve Obligation Termination Date) "7 January 2026" vice "21 May 2022"; Block 26 (Separation Code) "LBK" vice "MBK"; and Block 27 (Reentry Code) "RE-6" vice "RE-1."

Petitioner was authorized payment of "Full" ISP based on his active duty separation, which occurred on 7 January 2021. 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.

4/22/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]