



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

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Docket No. 572-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER ■■■■■ ■■■■■
■■■■■ USN ■■■■■

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 9 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. Service members that enter into this written agreement but unqualified for appointment or enlistment in the Ready Reserve are considered to have met the condition of eligibility for separation pay. 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.

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[REDACTED] USN, [REDACTED]

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.

c. Per reference (d), High Year Tenure (HYT) for Sailors in paygrade E-4 is 8 years length of service.

d. Petitioner's Active Duty Service Date was 27 May 2009.

e. Petitioner reenlisted on 20 April 2014 for a term of 3 years; subsequently extended for an aggregate of 23 months.

f. Petitioner reduced to Hospital Corpsman Third Class/E-4 on 21 June 2016.

g. Petitioner participated in and passed not advanced the March 2017 (Cycle 235) Navy Wide Advancement Exam.

h. Petitioner signed "Involuntary Separation Pay" NAVPERS 1070/613, Administrative Remarks on 28 April 2017.

i. On 3 May 2017, Petitioner issued BUPERS Order: 1237 (Official Separation Orders) indicating "Effective Date of Separation 26 May 2017 and SPD "JBK"".

j. On 4 May 2017, Petitioner issued Detachment of Individual NAVPERS 1616/26, Evaluation Report & Counseling Record (E1-E6) for period of report 15 December 2016 through 27 May 2017 recommending advancement and retention.

k. On 18 May 2017, Navy Personnel Command (PERS-93) denied Petitioner's agreement to serve in the Individual Ready Reserve but may still be eligible for ISP.

l. On 26 May 2017, Petitioner was released from active duty and transferred to the Navy Ready Reserve as a result of reaching HYT. At the time of release, Petitioner completed 8 years and 0-months of active duty service, received as Reentry Code of "RE-6" Separation Code of "JGH" and Reserve Obligation Termination Date of "NA." Additionally, Block 18 stated Petitioner was authorized a separation payment of \$ [REDACTED] with a disbursing office symbol of [REDACTED]

m. On 5 February 2022, Navy Personnel Command (PERS-93) informed the Board that Petitioner meets all requirements for half 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 half ISP in accordance with references (b) and (c); however, as a result of administrative oversight, ISP processing was not properly completed in conjunction with Petitioner being

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[REDACTED] USN, [REDACTED]

discharged. 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 was authorized payment of "Half" ISP based on his 26 May 2017. 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.

3/1/2022

[REDACTED]

Deputy Director

[REDACTED]