



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

■  
Docket No. 1330-22  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER [REDACTED]  
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552  
(b) DODFMR, Vol 7A, Chp 35  
(c) BUPERSINST 1900.8E  
(d) COMNAVPERSCOM msg 012035Z Oct 21

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 Petitioner's ability to receive the Disability Severance Pay upon discharge.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 26 October 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, to include references (b), (c),<sup>1</sup> and (d).

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. Petitioner enlisted in the U.S. Naval Reserve on 13 December 2012 and began initial active duty training on 28 May 2013.

b. On 4 October 2019, Petitioner executed mobilization orders.

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<sup>1</sup> Reference (b), a member separated from the military service for physical disability is entitled to severance pay, if qualified, as prescribed in personnel regulations of the military service concerned. When a member is entitled to disability severance pay, separation orders specify this amount. Reference (c) specifies that personnel discharged for reason of physical disability will have their DD Form 214, Certificate for Discharge or Release from Active Duty, annotated with the necessary monetary information, as obtained by the personnel officer from the disbursing officer.

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[REDACTED]

c. On 4 September 2021, Petitioner was found unfit for service by a Physical Evaluation Board (PEB), issued a 20% disability rating, and recommended to be separated from service with disability severance pay.

d. On 17 September 2021, Petitioner accepted the PEB findings, and did not request a Veteran Affairs reconsideration of the disability rating.

e. On 5 October 2021, Petitioner issued Demobilization Order Modification: 2781. The orders indicate, "Member found unfit for duty by the PEB and to be separated with severance." The orders also directed Petitioner's "Release Date: 15 November 2021" and "SEP/SEV [separation/severance]: 16 November 2021."

f. On 15 November 2021, Petitioner was released from active duty and transferred to the Navy Reserve. DD Form 214 reflects: Net active service for this period was 2 years, 1 months, and 12 days, Separation Program Designator (SPD) "MBK," Reentry Code "RE-R1," and Narrative Reason for Separation "Completion of Required Active Service."

## 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 found unfit for duty by a PEB and authorized separation from service with disability severance pay. After Petitioner was issued demobilization orders, he was released from active duty and issued DD Form 214 without the required and directed annotations per reference (d).<sup>2</sup> Therefore, the Board felt, under this circumstance, relief was warranted.

## RECOMMENDATION

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

Petitioner issued DD Form 215, Correction to DD Form 214 dated 17 November 2021 amending the following to reflect: Block 25 (Separation Authority) "COMNAVPERSCOM MSG 012035Z Oct 21"; Block 26 (Separation Code) "JEB"; Block 27 (Reentry Code) "RE-3P"; and Block 28 (Narrative Reason for Separation) "Disability, Severance Pay, Non-Combat (IDES)." Note: Navy Personnel Command (NPC) shall determine severance amount and adjust Block 18 (Remarks) accordingly.

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

A copy of this Report of Proceedings will be filed in Petitioner's naval record.

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<sup>2</sup> Reference (d), Petitioner was issued authorization for physical disability separation with severance pay. The message directed Petitioner receive SPD code of "JEB" and that "Disability, Severance Pay, Non-Combat (IDES)" be annotated on block 28 of his DD Form 214. Furthermore, NPC directed that Petitioner be released from active duty on 16 November 2021 and separated from service on 17 November 2021.

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[REDACTED]

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.

11/7/2022

[REDACTED]