



**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. 1419-22  
Ref: Signature Date

Dear ■■■■■,

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 9 March 2022. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies.

You requested to establish eligibility to receive Involuntary Separation Pay (ISP) based on your administrative separation of 10 June 1988 due to Alcohol Abuse Rehabilitation failure. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that a thorough review of the pay summary provided by you from Defense Finance and Accounting Service (DFAS) was inconclusive to any prior payments of ISP made to you by DFAS in connection with your involuntary separation. ■■■■■ to your claim, Secretary of the Navy Instructions 1900.7F authorized half payment of separation pay to a service member involuntarily released from active duty, that completed a minimum of 5 years of continuous active duty, was involuntarily discharged due alcohol abuse rehabilitation failure, and their service was characterized as honorable or general (under honorable conditions. However, pursuant to Title 31 United States Code (U.S.C.) Section 3702(b), and as promulgated by Department of Defense Instruction (DODI) 1340.21 claims under Title 31, U.S.C. Section 3702(b) must be received within 6 years of the date the claim accrued, and that the time limits set by statute may not be extended or waived. Additionally, the claimant must prove, by clear and convincing evidence, on the written

record that the United States is liable to the claimant for the amount claimed. All relevant evidence to prove the claim should be presented when a claim is first submitted. In the absence of compelling circumstances, evidence that is presented at later stages of the administrative process will not be considered.

A review of your record indicates you were involuntarily discharged on 10 June 1988 for alcohol abuse rehabilitation failure after 10 years, 11 months, and 16 days of active duty service, and your service was characterized as General (Under Honorable Conditions). The Board could not find, nor did you provide evidence of making a claim for ISP prior to 10 June 1994. Moreover, you, the claimant, are responsible to prove the claim per DODI 1340.21. As such, you have not provided clear and convincing evidence the United States is liable to you for the amount claimed, as the records you provided are inconclusive concerning whether or not ISP had been previously paid to you.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

3/25/2022

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Deputy Director  
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