



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

■
Docket No. 3357-22
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 18 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, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. Per reference (d), High Year Tenure (HYT) for Sailors in paygrade E-4 is 10 years length of service.

b. Petitioner's Active Duty Service Date was 14 December 2010.

c. Petitioner advanced to Hospital Corpsman Third Class/E-4 effective 16 September 2015.

d. Petitioner participated in and passed not advanced the September 2020 (Cycle 248) Navy Wide Advancement Exam.

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██████████

e. On 13 December 2020, Petitioner was discharged as a result of reaching HYT. At the time of discharge, Petitioner completed 10 years, 0 months and 0 days of active duty service, received as Separation Code of “JBK,” and Reentry Code of “RE-6.”

f. On 14 December 2020, Petitioner and chain of command signed Detachment of Individual NAVPERS 1616/26, Evaluation Report & Counseling Record (E1-E6) for period of report 16 June 2020 through 18 December 2020 recommending advancement and retention.

g. On 17 December 2020, Petitioner issued BUPERS Order: 3520 (Official Separation Orders) indicating “Separation Date: 13 December 2020. Orders delayed due to delinquent submission by member.” However, the orders also indicate, SPD: “JBK,” and Effective Date of Separation: 18 December 2020.

h. On 20 September 2021, Navy Personnel Command (PERS-93) confirmed Petitioner’s eligibility for full ISP; however, the Individual Ready Reserve/Involuntary Separation Pay package was not received prior to separation.

i. On 10 May 2022, Petitioner acknowledged the requirement to reenlist in the Ready Reserve for a term of 3 years to receive 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 ISP in accordance with references (b)¹ and (c)², however, because of administrative oversight, ISP processing documents were not 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, in coordination with his command, completed the required Ready Reserve written agreement, NAVPERS 1070/613, Administrative Remarks prior to separation and submitted it to Commander, Navy Personnel Command for inclusion in Petitioner’s Official Military Personnel File.

¹ 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.

² 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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[REDACTED]

Petitioner issued DD Form 215, Correction to DD Form 214, Certificate of Release or Discharge from Active Duty dated 13 December 2020 modifying Block 6 (Reserve Obligation Termination Date) "13 December 2023" vice "NA"; and Block 23 (Type of Separation) "RELACDU and Transferred to Navy Reserve" vice "Discharged." Note: Navy Personnel Command shall determine ISP amount and adjust Block 18 (Remarks) accordingly.

Petitioner reenlisted on 14 December 2020 for a term of 3 years.

Petitioner was authorized payment of "Full" ISP based on his 13 December 2020 separation from active duty. 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.

6/10/2022

[REDACTED]
Deputy Director
[REDACTED]