



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

█
Docket No. 4681-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █ █ USNR,
█

Ref: (a) Title 10 U.S.C. § 1552
(b) DODI 1332.29
(c) MILPERSMAN 1920-040
(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 6 July 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) through (d)¹.

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's Active Duty Service Date is 27 January 2016, and advanced to Hospital Corpsman/E-3 on 27 January 2016.

b. Petitioner's Periodic NAVPERS 1616/26, Evaluation Report & Counseling Record (E1-E6) for period of report 16 July 2020 through 15 July 2021 recommended advancement and retention.

c. Petitioner participated in and passed not advanced the September 2021 (Cycle 252) Navy Wide Advancement Exam.

¹ Reference (d), HYT for Sailors in paygrade E-3 is 6 years length of service.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED] USNR,
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d. On 3 February 2022, Petitioner issued BUPERS Order: 0342 (Official Separation Orders) indicating “Effective Date of Separation 26 March 2022 and SPD “LBK.”

e. On 26 March 2022, Petitioner was released from active duty and transferred to the Navy Ready Reserve as a result of reaching High Year Tenure. At the time of release, Petitioner completed 6-years and 2-months of active duty service, received as Reentry Code of “RE-6,” Separation Code of “LBK” and Reserve Obligation Termination Date of 25 June 2023.

f. Petitioner and reenlisting officer signed NAVPERS 1070/601, Immediate Reenlistment Contract dated 27 March 2022 for a term of 5-years; this contract is not reflected in official military personnel file (OMPF) or in Navy Standard Integrated Personnel System (NSIPS) electronic service record (ESR).

g. On 10 June 2022, Petitioner signed two different “Full Separation Pay Inactive Ready Reserve (IRR) Requirement” NAVPERS 1070/613, Administrative Remarks; these documents are not reflected in OMPF or NSIPS ESR and neither were witnessed.

h. On an unknown date, Petitioner signed two “Involuntary Separation Pay” NAVPERS 1070/613, Administrative Remarks; these documents are not reflected in OMPF or NSIPS ESR.

i. On 1 July 2022, Navy Personnel Command (PERS-93) informed the examiner that they did not received Petitioner’s Individual Ready Reserve/Involuntary Separation Pay package prior to his release from active duty; however, Petitioner was eligible for reenlistment in the Ready Reserve and eligible to receive full 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)² and (c)³, however, as a result 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:

² 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.

³ 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.

Subj: REVIEW OF NAVAL RECORD IC [REDACTED], USNR,
[REDACTED]

Petitioner, in coordination with his command, completed the required Ready Reserve written agreement, NAVPERS 1070/613, Administrative Remarks prior to release from active duty and submitted it to Commander, Navy Personnel Command for inclusion in Petitioner's Official Military Personnel File.

Petitioner issued DD Form 215, Correction to DD Form 214, Certificate of Release or Discharge from Active Duty dated 26 March 2022 modifying Block 6 (Reserve Obligation Termination Date) "26 March 2027" vice "25 June 2023"; and Block 18 (Remarks) to reflect entitlement to Full ISP. Note: Navy Personnel Command shall determine ISP amount and adjust Block 18 accordingly.

Petitioner reenlisted on 27 March 2022 for a term of 5-years.

Petitioner was authorized payment of "Full" ISP based on his release from active duty, which occurred on 26 March 2022. Note: Petitioner is required to sign a mandatory disclosure statement per reference (b) prior to the processing of ISP.

That no further changes be made to Petitioner's naval record.

That a copy of this report of proceedings 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.

7/21/2022

[REDACTED]
Deputy Director
[REDACTED]