



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

■
Docket No. 4932-22
Ref: Signature Date

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

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

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 entitlement to Involuntary Separation Pay (ISP).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 3 August 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. Petitioner's Active Duty Service Date was 7 February 2011 (High Year Tenure (HYT)¹ gate 6 February 2021)).

b. Petitioner advanced to Yeoman Third Class/E-4 on 16 September 2014.

c. On 6 February 2018, Petitioner reenlisted for a term of 3 years and subsequently executed an extension for an aggregate term of 13 months with an end of active obligated service 5 March 2022.

d. In September 2021, Petitioner participated in the Cycle 252 Navy Wide Advancement Exam and passed not advanced.

e. On 7 February 2022, Petitioner reenlisted in the Navy Reserve for a term of 3 years.

¹ Reference (d), HYT for Sailors in paygrade E-4 is 10 years length of service.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]

f. On 16 February 2022, Petitioner issued BUPERS Order: 0472 (Official Separation Orders) indicating Separation Program Designator "LBK" and Effective Date of Separation "05 MAR 2022."

g. On 3 March 2022, Petitioner signed "Involuntary Separation Pay" NAVPERS 1070/613, Administrative Remarks acknowledging the requirements to receive ISP.

h. Petitioner's Detachment of Individual NAVPERS 1616/26, Evaluation Report & Counseling Record (E1-E6) for period of report 16 June 2021 through 5 March 2022 recommended advancement and retention.

i. On 5 March 2022, Petitioner discharged as a result of reaching HYT. At the time of Petitioner's discharge from active duty, he did not have a reserve obligation termination date, completed 11 years, 00 months, and 29 days of active duty service, separation code of "LBK," and Reentry Code of "RE-6."

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, because of administrative oversight, Petitioner reenlisted in the Navy Reserve with an effective date 33 days prior to discharge, thereby rendering the reenlistment invalid. 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's NAVPERS 1070/601, Immediate Reenlistment Contract dated 7 February 2022 is amended to reflect reenlisting on "6 March 2022" vice "7 February 2022" for term of 3 years.

Petitioner issued DD Form 215, Correction to DD Form 214, Certificate of Release or Discharge from Active Duty dated 5 March 2022 modifying Block 6 (Reserve Obligation Termination Date) "5 March 2025" vice "NA"; and Block 23 (Type of Separation) "RELACDU and transferred to NAVRES" vice "Discharged."

Petitioner authorized payment of "Full" ISP based on his 5 March 2022 active duty separation. Note: Petitioner is required to sign a mandatory disclosure statement per reference (b).

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.

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 ICO [REDACTED]
[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.

8/15/2022

[REDACTED]

Deputy Director

[REDACTED]