



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

■
Docket No. 5150-22
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 eligibility to receive Involuntary Separation Pay (ISP).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 27 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.

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 4 April 2012.
- b. Petitioner advanced to Gas Turbine System Technician (Mechanical) Third Class/E-4 on 16 December 2014.
- c. In September 2021, Petitioner participated Cycle 252 Navy Wide Advancement Exam and passed not advanced.
- d. On 21 April 2022, Petitioner issued BUPERS Order: 1112 (Official Separation Orders) with an effective separation date of 29 April 2022, honorable Characterization of Service, and Separation Program Designator (SPD) code of "KBK."

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e. On 26 April 2022, Petitioner signed “Involuntary separation pay” NAVPERS 1070/613, Administrative Remarks.

f. Petitioner’s Detachment of Individual NAVPERS 1616/26, Evaluation Report & Counseling Record (E1-E6) for period of report 16 June 2021 through 29 April 2022 recommended advancement and retention.

g. On 29 April 2022, Petitioner was discharged as a result of reaching HYT¹. At the time of discharge, Petitioner completed 10 years, 00 months and 26 days of active duty service, received an SPD of “LGH” and Reentry Code of “RE-6.”

h. On 25 May 2022, Petitioner reenlisted in the Navy Reserve for a term of 3 years and affiliated with a Navy Reserve Selected Reserve unit.

i. On 20 July 2022, Navy Personnel Command (PERS-93) informed the examiner that Petitioner’s ISP package was not returned prior to discharge; 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:

Petitioner issued DD Form 215, Correction to DD Form 214 Certificate of Release or Discharge from Active Duty dated 10 May 2022 with Block 6 (Reserve Obligation Termination Date) as 29 April 2025, Block 18 (Remarks) as entitlement to Full ISP, Block 23 (Type of Separation) as RELACDU and transferred to NAVRES, and Block 26 (Separation Code) as JBK. Note: Navy Personnel Command shall determine ISP amount and adjust Block 18 accordingly.

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

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.

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Petitioner reenlisted on “30 April 2022” vice “25 May 2022” for a term of 3 years.

Petitioner authorized payment of "Full" ISP based on his 29 April 2022 active duty discharge.
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.

8/5/2022

[REDACTED]

Deputy Director

[REDACTED]