



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

■
Docket No. 6206-22
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) DoDI 1332.29
(c) MILPERSMAN 1920-030
(d) MILPERSMAN 1160-120
(e) MILPERSMAN 1160-040

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], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 14 September 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), (c), (d),¹ and (e).²

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 29 March 2006.

b. Petitioner advanced to Cryptologic Technician (Interpretive) Petty Officer Second Class (CTI2)/E-5 on 16 July 2011.

¹ Reference (d), High Year Tenure (HYT) for Sailors in paygrade E-5 is 16-years length of service. Furthermore, for a Sailor to continue active service beyond their established HYT date.

² Reference (e), Sailors may not extend their enlistments more than 30-days beyond their HYT date without specific approval from BUPERS-328. Additionally, Sailors without a HYT waiver, who are extended beyond HYT, are to be separated at HYT vice their expiration of active obligated service (EAOS) as extended.

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c. On 10 August 2018, Petitioner reenlisted for a term of 3 years. Subsequently, Petitioner extended his reenlistment for a term of 1-month.

d. On 17 June 2019, Petitioner extended his reenlisted for an additional 7 months to “Incur sufficient obligated service to HYT date of 220328.” EAOS: 9 April 2022.

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

f. Petitioner’s Periodic NAVPERS 1616/26, Evaluation Report & Counseling Record (E1-E6) for period of report 16 March 2021 through 15 March 2022 recommended advancement and retention.

g. On 17 March 2022, Petitioner signed “Full Separation Pay Inactive Ready Reserve Requirements” NAVPERS 1070/613, Administrative Remarks.

h. On 28 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 16 years, 00-months, and 00-days of active duty service, separation payment calculated for \$71,124.48, received as Separation Code of “JBK” and Reentry Code of “RE-6.”

i. On 29 March 2022, Petitioner reenlisted in the Navy Reserve for a term of 3 years and affiliated with Navy Operational Support Center [REDACTED] Selected Reserve unit.

j. On 5 April 2022, Petitioner issued BUPERS Order: 0952 (Official Separation Orders) indicating “Effective Date of Separation 8 April 2022 and SPD “JBK””.

k. On 1 September 2022, Navy Personnel Command (PERS-93) confirmed Petitioner’s ISP package was not received.

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)³ and (c),⁴ however, because of administrative oversight, Petitioner’s ISP documents were not appropriately processed prior to discharge. Although the proper administrative requirements were not completed, the Board felt that under these circumstances, relief is warranted.

³ 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.

⁴ 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 of full separation pay.

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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 release from active duty and submitted it to Commander, Navy Personnel Command for inclusion in Petitioner's Official Military Personnel File.

Petitioner was authorized payment of "Full" ISP based on his discharge from active duty, which occurred on 28 March 2022. 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.

9/23/2022

