



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

■  
Docket No. 6603-22  
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) DODFMR, Vol 7A, Chapter 35  
(c) BUPERSINST 1900.8E  
(d) COMNAVPERSCOM msg 011759Z Mar 21

Encl: (1) DD Form 149 w/attachments  
(2) Advisory Opinion by NPPSC memo 7220 N1, 6 Dec 22  
(3) 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 Disability Severance Pay.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 22 December 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. In accordance with reference (b), a member separated from the military service for physical disability is entitled to severance pay, if qualified, as prescribed in personnel regulations of the military service concerned. When a member is entitled to disability severance pay, separation orders specify this amount. Reference (c) specifies that personnel discharged for reason of physical disability will have their DD Form 214, Certificate for Discharge or Release from Active Duty, annotated with the necessary monetary information, as obtained by the personnel officer from the disbursing officer.

b. Petitioner's Active Duty Service Date was 14 June 2017.

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c. On 18 December 2020 the Physical Evaluation Board (PEB) found Petitioner unfit for service and recommended separation from active duty with severance pay; PEB notified Chief of Naval Personnel of the aforementioned on 11 January 2021.

d. In accordance with reference (d), Petitioner was issued authorization for physical disability separation with severance pay. The message directed Petitioner's separation date on 13 June 2021, Separation Program Designator (SPD) code of "JEB" and "Disability, Severance Pay, Non-Combat (IDES)" annotated on block 28 of his DD Form 214.

e. On 4 June 2021 Petitioner issued BUPERS Order:1551 (Official Separation Orders) indicating SPD Code of "MBK", honorable character of service and effective date of separation on 13 June 2021.

f. Petitioner was released from active duty on 13 June 2021 with a Reserve Obligation Termination Date of 12 March 2025; 4 years, 0 months, and 0 days of total active service; an honorable character of service; SPD Code of "MBK"; Reentry Code of "RE-1," and Narrative Reason for Separation "Completion of Required Active Service."

## CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2),<sup>1</sup> the Board finds the existence of an injustice warranting the following corrective action. Petitioner found unfit for duty by PEB and authorized separation from service with disability severance pay. However, Petitioner was issued separation orders without regard to PEB findings and reference (d), resulting in separation based on his end of active obligated service vice disability with severance pay. Therefore, the Board agreed, under these circumstance, relief is warranted.

## RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner's BUPERS Order: 1551 (Official Separation Orders) reflects SPD: "JEB" vice "MBK."

Petitioner will be issued a new DD Form 214, Certificate of Release or Discharge from Active Duty based on the number of errors with the DD Form 214 issued on 4 June 2021. The following corrections are directed to be changed: Block 6 (Reserve Obligation Termination Date) "NA" vice "20250312"; Block 23 (Type of Separation) "Discharged" vice "RELACDU and Transferred to the Navy Reserve"; Block 25 (Separation Authority) "COMNAVPERCOM MSG 011759Z MAR 21" vice "MILPERSMAN 1910-104"; Block 26 (Separation Code) "JEB" vice "MBK"; Block 27 (Reentry Code) "RE-3P" vice "RE-1"; and Block 28 (Narrative Reason for Separation) "Disability, Severance Pay, Non-Combat (IDES)" vice "Completion of Required

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<sup>1</sup> In the advisory opinion, attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

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Active Service.” Note: Navy Personnel Command shall determine severance amount and adjust Block 18 (Remarks) accordingly.

Note: Defense Finance and Accounting Service will complete an audit of Petitioner’s pay records to determine severance pay entitlement.

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.

12/23/2022

[REDACTED]

Deputy Director

[REDACTED]