



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

■
Docket No. 2864-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER ■■■■■■■■■■, USN,
XXX-XX-■■■■■

Ref: (a) Title 10 U.S.C. § 1552
(b) MILPERSMAN 1160-120
(c) MILPERSMAN 1910-050
(d) MILPERSMAN 1920-030

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 remove Involuntary Separations Pay (ISP) from Block 18 of DD Form 214, Certificate of Release or Discharge from Active Duty dated 21 April 2021.

2. The Board, consisting of ■■■■■■■■■■, ■■■■■■■■■■, and ■■■■■■■■■■ reviewed Petitioner's allegations of error and injustice on 20 December 2023 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 September 2004.
- b. On 16 December 2011, Petitioner advanced to Aviation Ordnanceman Second Class/E-5.
- c. Petitioner reenlisted on 30 March 2012, for 6 years and again on 11 August 2017 for 3 years.
- d. On 15 March 2020, Petitioner extended for 1-month to "Incur sufficient obligated service to high year tenure date of 20SEP06 in accordance with MILPERSMAN 1160-040".

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XXX-XX-██████

e. On 21 May 2020, Petitioner's electronic service record is updated with "Individual Ready Reserve-Active Status Pool (IRR-ASP) Statement of Understanding" and "IRR-ASP Eligibility" NAVPERS 1070/613, Administrative Remarks; neither entry was verified.

f. On 22 May 2020, Petitioner's electronic service record is updated with "ISP" NAVPERS 1070/613, Administrative Remarks, however the entry was not verified.

g. On 1 September 2020, Petitioner issued BUPERS Order: ████████ (Official Separation Orders); effective date of separation: 6 September 2020, Separation Program Designator (SPD): JBK, and Character of Service: Honorable.

h. On 6 September 2020, Petitioner was discharged from active duty as a result of reaching high year tenure. DD Form 214, Certificate of Release or Discharge from Active reflects completion of 16 years of active duty service, "Separation Payment - \$67,236.00 – Disbursing Office Symbol 8371," Separation Code of "KBK"-Completion of Required Active Service and Reentry Code of "RE-6."

i. On 14 December 2023, Defense Finance and Accounting Service confirmed Petitioner "did not receive Involuntary Separation Pay/Readjustment Pay when he separated in 2020."

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting the following corrective action. The Board concluded Petitioner did not meet the eligibility criteria to receive ISP in accordance with references (b) and (c).¹ Petitioner's record does not reflect evidence of participating in the most recent Navy Wide Advancement Examination prior to separation and there is no evidence of him enlisting in the Ready Reserve for 3 years. However, as a result of administrative oversight, Petitioner's DD Form 214 indicated a separation payment despite having a separation code that makes him ineligible for ISP. Therefore, the Board determined that under these circumstances, relief is warranted.

RECOMMENDATION

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

Petitioner's DD Form 214, Certificate of Release or Discharge from Active Duty dated 21 April 2021 is amended to remove "SEPARATION PAYMENT - \$67,236.00 – DISBURSING OFFICE SYMBOL 8371" from Block 18 (Remarks). Note: Navy Personnel Command will issue a DD Form 215 or a new DD Form 214 whichever one they deem appropriate.

¹ Reference (b), high year tenure for E-5 Sailors is 16 years length of service computed from the active duty service date. E-5 candidates competing in the March advancement cycle must be on active duty on 1 July of the same year. Reference (c) stipulates Service members must agree to serve for 3 years in the Ready Reserve, in addition to any other remaining service obligation. ISP will not be paid without a signed Reserve contract or Reserve enlistment denial letter; there are no exceptions. Reference (c) indicates enlisted Sailors must have Commanding Officer's recommendation for advancement, retention, and participate in and pass the most recent Navy Wide Advancement Examination before separation to receive full ISP.

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XXX-XX [REDACTED]

That 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.

1/10/2024

[REDACTED]