



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

■
Docket No. 4380-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ■■■■■■■■■■■■, USNR,
XXX-XX-■■■

Ref: (a) Title 10 U.S.C. § 1552
(b) DODI 1332.29
(c) MILPERSMAN 1920-030
(d) MILPERSMAN 1910-050
(e) 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 ■■■■■, ■■■■■, and ■■■■■ reviewed Petitioner's allegations of error and injustice on 10 January 2024 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. On 19 January 2016, Petitioner enlisted in the Naval Reserve for 8 years of which 5 years was an active-duty obligation. Petitioner entered active duty on 16 August 2016 in paygrade E-1 and extended for 12 months. End of active obligated service (EAOS) 15 August 2021.

b. On 16 February 2018, Petitioner advanced to Hospital Corpsman (HN)/E-3.

c. Petitioner issued Periodic evaluation for period of report from 16 July 2020 to 15 July 2021 and was recommended for promotion and retention.

d. On 16 August 2021, an additional 12-month extension was made operative in Petitioner electronic service record. EAOS 15 August 2022.

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

e. Petitioner participated in the September 2021 (Cycle 252) and March 2022 (Cycle 255) Navy Wide Advancement Examinations and passed not advanced both.

f. On 17 June 2022, Petitioner signed “Involuntary Separation Pay” NAVPERS 1070/613, Administrative Remarks acknowledging the requirements to receive ISP. However, the Administrative Remarks incorrectly indicates the Ready Reserve enlistment must be “for a period of 2 years.” Additionally, the Administrative Remarks listed the separation date as 15 August 2022, Separation Code of “LBK,” and Reentry code of “RE6.”

g. On 1 August 2022, Petitioner signed NAVPERS 1070/621, Agreement to Extend Enlistment for 2 months to “Extend obligated service in accordance with MILPERSMAN 1160-050 with NAVPERSCOM approval.” EAOS 15 October 2022.

h. On 4 August 2022, Petitioner issued BUPERS Order: 2162 (Official Separation Orders), with an effective date of separation of 15 August 2022, Separation Program Designator (SPD) “JBK,” and an honorable characterization of service.

i. On 5 August 2022, Bureau of Naval Personnel (BUPERS-328) approved Petitioner’s 2-month extension.

j. Petitioner issued Detachment evaluation for period of report from 16 July 2021 to 15 August 2022 and was recommended for promotion and retention.

k. On 16 August 2022, Petitioner reenlisted for 5 years in the Ready Reserve “To incur sufficient service for separation pay.”

l. On 15 October 2022, Petitioner released from active duty and transferred to the Navy Reserve as a result of reaching High Year Tenure. DD Form 214, Certificate of Release or Discharge from Active reflects Reserve Obligation Termination Date of 18 January 2024, completion of 6 years, and 2 months of active-duty service, “Separation Pay \$18,024.00. Disbursing Office Symbol 3508,” Separation Code of “LBK” and Reentry Code of “RE-6.”

m. On 16 October 2022, Petitioner reenlisted for 5 years in the Ready Reserve “To incur sufficient service for separation pay.”

n. On 14 November 2022, Petitioner issued modification to BUPERS Order: 2162 (Official Modification to Separation Orders), with an effective date of separation of 15 November 2022, SPD “LBK,” and Honorable characterization of service.

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) through (e).¹ However, as a result of administrative oversight, ISP

¹ 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 criterions listed. This criterion includes, the Service member has completed at least 6 years and 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

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

was not processed prior to Petitioner's released from active duty. Although the proper administrative requirements were not completed, the Board determined that under these circumstances, relief is warranted.

RECOMMENDATION

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

Petitioner, in coordination with his command, completed the required 3-year 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's BUPERS Order: 2162 (Official Modification to Separation Orders) was amended to reflect the order was issued prior to release from active-duty vice 14 November 2022 and effective date of separation "15 OCT 2022" vice "15 NOV 2022."

Petitioner authorized payment of full ISP based on his 15 October 2022 release from active duty. 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.

1/18/2024

[REDACTED]

Deputy Director

Signed by: [REDACTED]

statement regarding the consequences of collecting retired/retainer pay or Veterans Affairs disability compensation after receiving ISP. 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. Reference (d) reiterates the 3-year Ready Reserve requirement in addition to any other remaining service obligation and specifies ISP will not be paid without a signed Reserve contract or Reserve enlistment denial letter; there are no exceptions. Per reference (e), High Year Tenure (HYT) for Sailors in paygrade E-3 is 6 years length of service. Active-duty personnel who are separated due to HYT gates and are advancement eligible at the time of separation may be eligible for full ISP.