



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

■
Docket No. 6071-23
Ref: Signature Date

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

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

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 full Involuntary Separation Pay (ISP).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 31 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. In accordance with 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 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 statement regarding the consequences of collecting retired/retainer pay or Veterans Affairs disability compensation after receiving ISP.

b. 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. Reference (d) reiterates the 3-

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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.

c. Per reference (e), High Year Tenure (HYT) for Sailors in paygrade E-4 is 10 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.

d. On 19 July 2010, Petitioner entered active duty in paygrade E-2.

e. On 16 June 2013, Petitioner advanced to Hospital Corpsman Third Class/E-4.

f. In March 2021, Petitioner participated in Cycle 251 Navy Wide Advancement Exam and passed not advanced.

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

h. On 15 July 2021, Petitioner issued BUPERS Order: [REDACTED] (Official Separation Orders) with a Separation Program Designator (SPD) of "JBK," Honorable characterization of service, and effective date of separation of 18 July 2021.

i. Petitioner issued evaluation report extension that changed the Periodic evaluation ending date to 18 July 2021 upon his separation from Naval service.

j. On 18 July 2021, Petitioner released from active duty as a result of reaching HYT. DD Form 214, Certificate of Release or Discharge from Active reflects completion of 11 years of active duty service, "At the time of separation, member did not compete the requirement to receive ISP, Separation Code of "JBK" and Reentry Code of "RE-6."

k. Petitioner signed NAVPERS 1070/601, Immediate Reenlistment Contract to reenlist on 19 July 2021 for 3 years "To incur sufficient service for separation pay." However, the form was not signed by the reenlisting officer until 6 December 2021.

l. On 30 November 2021, Petitioner signed two "Full Separation Pay Inactive Ready Reserve Requirements" NAVPERS 1070/613, Administrative Remarks acknowledging his requirements while assigned to the Individual Ready Reserve; both were witness on 9 December 2021.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. Petitioner met the eligibility criteria to receive ISP in accordance with references (b) through (e). However, as a result of administrative oversight, ISP 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.

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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 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 DD Form 214, Certificate of Release or Discharge from Active Duty is amended to reflect ISP amount and adjust Block 18 (Remarks) accordingly. Note: Commander, Navy Personnel Command will issue a DD Form 215 or a new DD Form 214 whichever one they deem appropriate.

Petitioner executed reenlistment on 19 July 2021 for 3 years.

Petitioner authorized payment of full ISP based on his 18 July 2021 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.

2/20/2024

