

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 March 2025

DOCKET NUMBER: AR20240001581

APPLICANT REQUESTS:

- entitlement to Involuntary Separation Pay (ISP)
- a personal appearance before the Board

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Orders Number 150-0006, 30 May 2023
- Orders Number 198-0002, 17 July 2023
- Orders Number 6936433, 7 January 2024
- DA Form 7783 (Written Service Agreement and Mandatory Disclosure Statement), 13 July 2023
- DA Form 1506 (Statement of Service)
- U.S. Army Human Resources Command (AHRC) letter, 19 December 2023
- DA Form 1506, 28 June 2023

FACTS:

1. The applicant states upon her release from service, she did not receive ISP because her Total Active Federal Military Service (TAFMS) was inconsistent when viewed in the personnel (17 years and 10 months) and pay system (19 years, 6 months, and 2 days). The process of getting this corrected took several months resulting in delays in completing her DA Form 7783. However, once the transition point agreed to correct the documents, making the information consistent with what was provided on the DA Form 1506, she transitioned out of the Army without receiving ISP. She was later advised that in order to receive ISP she would have to petition this Board.

2. A review of the applicant's service record reflects the following:

a. After serving as an enlisted Soldier in the U.S. Army Reserve (USAR), the applicant was appointed as a Reserve commissioned officer on 11 May 1996.

b. Throughout the applicant's service in the USAR, she performed multiple periods of incremental active-duty service. However, on 28 March 2011, AHRC issued Orders Number R-03-184615 ordering the applicant to active duty in the Active Guard/Reserve (AGR) program, effective 1 August 2011.

c. On 18 June 2020, the applicant was issued a Notification of Eligibility for Retired Pay at Non-Regular Retirement (20-year letter).

d. On 1 July 2023, the applicant was released from active-duty and transferred into the USAR Control Group (Reinforcement) due to her non selection for promotion. DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the following:

- Item 12c. (Net Active Service this Period) – 11 years, 11 months, and 1 day
- Item 12d. (Total Prior Active Service) – 5 years, 4 months, and 28 days
- Item 12e. (Total Prior Inactive Service) – 12 years, 4 months, and 27 days
- Item 18 (Remarks) – Separation Pay "\$0.00"

e. On 28 August 2023, a DA Form 1506 was constructed reflective of the following personnel information:

- Date of Initial Entry to Military Service (DIEMS) – 6 October 1993
- Total Active Service – 17 years, 10 months, and 7 days
- Total Service for Pay – 27 years, 1 month, and 21 days

f. On 16 November 2023, the Department of the Army issued Orders Number 6581957 reassigning the applicant to a unit, effective 16 November 2023.

3. The applicant provides the following:

a. Orders Number 150-0006 dated 30 May 2023, reflective of the applicant being reassigned to the transition point pending separation processing. The applicant was entitled to full ISP in accordance with Title 10 United States Code 9USC), Section 1174.

b. Orders Number 198-0002 dated 17 July 2023, reflective of Orders Number 150-0006 being amended to reflect entitlement to half ISP rather than full ISP.

c. Orders Number 6936433 dated 7 January 2024, reflective of the applicant being reassigned to a unit on 3 January 2024.

d. DA Form 7783 dated 13 July 2023, reflective of the applicant's acknowledgment that if she later qualified for retired pay or disability compensation, recoupment of her

ISP would occur. The applicant further agreed to serve in the USAR for a minimum of 3 years in order to receive ISP.

e. DA Form 1506, reflective of the applicant's military service completed between 6 October 1993 – 30 June 2023. This document further reflects the following:

- DIEMS – 6 October 1993
- Total Active Service – 5 years, 11 months, and 6 days
- Total Service for Pay – 15 years, 2 months, and 20 days

f. AHRC letter dated 19 December 2023, reflective of the applicant's congressional representative being advised that the applicant's service records were corrected to reflect the following:

- Pay Entry Basic Date – 11 May 1996 rather than 12 May 1996
- TAFMS Date – 25 August 2005 rather than 30 December 2003
- Basic Active Service Date – 25 August 2005 rather than 30 December 2003

• DA Form 1506, 28 June 2023 reflective of the applicant's military service completed between 6 October 1993 – 1 July 2023. This document further reflects the following:

- DIEMS – 6 October 1993
- Total Active Service – 17 years, 10 months, and 7 days
- Total Service for Pay – 27 years, 1 month, and 21 days

4. On 23 January 2025, the Department of the Army, Deputy Chief of Staff G-1, Financial Management Specialist provided an advisory opinion recommending approval of the applicant's request noting that she was separated due to non-selection for permanent promotion. She is entitled to half separation pay, as per amended Order Number 198-0002 issued on 17 July 2022. This amended order supersedes Order Number 150-0006 issued 30 May 2023, which authorizes her full separation pay.

5. On 24 January 2025, the applicant was provided with a copy of the advisory opinion and afforded 14 days to provide comments.

6. On 28 January 2025, the applicant responded to the advisory opinion noting that her separation was not a result of non-selection for promotion. Instead, it was triggered by an off-block selection on an Officer Evaluation Report (20 June 2022), which prompted Army Human Resources Command (AHRC) to convene a review for continued active-duty service board. The board results prompted the applicant's separation from active duty on 31 July 2022. Since being separated, the applicant has sought the assistance of various resources to include the Inspector General and the Equal Opportunity Office.

Her concerns have remained unresolved. She further notes that at the time of her separation, she had completed 18 years 6 months of active-duty service which should have permitted her to continue serving until reaching 20 years of service. The applicant argues that AHRC has made a significant error in the handling of her career. Therefore, she would like to be reinstated on active duty in order to complete 20 years of service or entitlement to full separation pay.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. The Board reviewed the advisory opinion provided by the Department of the Army, Deputy Chief of Staff G-1, Financial Management Specialist and determined that the applicant was eligible to receive half separation pay at the time of her release from active duty. Based on the advising official's recommendation, the Board granted partial relief.

2. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

|    |    |    |                      |
|----|----|----|----------------------|
| :  | :  | :  | GRANT FULL RELIEF    |
| XX | XX | XX | GRANT PARTIAL RELIEF |
| :  | :  | :  | GRANT FORMAL HEARING |
| :  | :  | :  | DENY APPLICATION     |

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- Showing the applicant is authorized half separation pay
- Direct DFAS to calculate and pay the applicant's half separation pay at the time of her separation from active duty

2. The Board further determined that the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to any additional incentive payment in excess of the above.

X //SIGNED//

CHAIRPERSON

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Department of Defense Instruction 1332.29 (Involuntary Separation) provides that to be eligible for Involuntary Separation pay, the servicemember must have:

- completed at least 6 years but fewer than 20 years of active-duty service
- Characterization of Service is characterized as "honorable"

Half Separation Pay of Non-Disability is authorized to servicemembers of the Active and Reserve Components who are involuntarily separated from active duty and who meet each of the conditions in the following paragraphs:

- completed at least 6 years but fewer than 20 years of active-duty service
- Characterization of Service is characterized as "honorable" or "General Under Honorable Conditions"

2. Army Regulation (AR) 637-2 (Separation Pay) prescribes policy and guidance relating to the qualification(s) for separation payment (non-disability). Chapter 2 (Eligibility) provides that full separation payment of non-disability separation pay is authorized to Soldiers of the Regular and Reserve Component involuntarily separated from active duty or active service who meet the required criteria. A Soldier who enters into this written agreement (DA Form 7783) and who is qualified for the Ready Reserve will, upon such person's separation from active duty, be enlisted or appointed, as appropriate, as a Reserve member by the Military Service concerned for a period of 3-years. The 3-year service necessary for separation pay begins immediately following discharge from active duty, with no break in service. As a condition of receiving separation pay, Soldiers (regardless of component) that are otherwise eligible for the pay will sign a service agreement to serve a minimum of not less than 3 years in the Ready Reserve of a Reserve Component immediately following the discharge or release from active duty.

3. Title 10, USC, section 1552 states, the Secretary concerned may pay, from applicable current appropriations, a claim for the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, if, as a result of correcting a record under this section, the amount is found to be due the claimant on account of his or another's service in the Army.

4. AR 15-185 (ABMCR) states, the ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//