



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

[REDACTED]
Docket No. 6957-16

AUG 24 2017

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

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

Ref: (a) Title 10 U.S.C. 1552

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 this Board requesting, in effect, that the applicable naval record be corrected to show that the Petitioner is eligible for half involuntary separation pay (ISP).

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 16 March 2017 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, naval records, 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, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. On 13 October 2000, Petitioner enlisted in the Navy Reserve for 8 years.

c. Petitioner served on active duty from 3 January 2001 to 2 October 2004.

d. On 21 March 2008, Petitioner was discharged from the U.S. Navy Reserve.

e. On 2 June 2008, Petitioner reentered active service in the U.S. Navy.

f. On 9 September 2011, Petitioner reenlisted for 6 years.

g. On 30 June 2015, Petitioner received non-judicial punishment for the violation of UCMJ Article 86 (Unauthorized Absence) and Article 111 (Drunken Operation of a Motor Vehicle). Petitioner was reduced in rank from CTR2 to CTR3. Petitioner was not recommended for retention on his evaluation (reporting period of 16 March 2015 to 30 June 2015).

h. Petitioner was separated on 20 May 2016 after reaching high year tenure. He was not eligible for advancement and received a separation code of "JGH," authorizing payment of half ISP. Petitioner's request for ISP was not processed prior to his separation from active duty.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the fact that Petitioner's DD 214 reflects a separation code of "JGH" authorizing payment of half ISP, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION

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

The Certificate of Release or Discharge from Active Duty (DD Form 214, Aug 2009), effective 20 May 2016, was modified to read block 28 (narrative reason for separation) "NONRETENTION ON ACTIVE DUTY" vice "COMPLETION OF REQUIRED ACTIVE SERVICE."

Note: Payment of non-disability full (10%) or half (5%) separation pay is authorized to the member who has entered into a written agreement with the Navy Personnel Command, prior to separating from active duty, to serve in the Ready Reserve for a period of not less than 3 years immediately following separation from active duty. This 3 year service obligation is in addition to any other remaining service obligation.

Petitioner is authorized payment of "half" Involuntary Separation Pay (ISP) based on his discharge which occurred on 20 May 2016.

Note: the separation pay described above will be offset by any Veterans Disability Compensation to which Petitioner is or becomes entitled.

A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. It is certified that 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.

[REDACTED]

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

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corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

[REDACTED]
Executive Director