



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

[REDACTED]
Docket No. 467-17

JUL 03 2017

From: Chairman, Board for Correction of Naval Records
To: Commander, Navy Personnel Command

Subj: AMENDED RECOMMENDATION IN THE CASE OF
FORMER MEMBER [REDACTED]

USN, [REDACTED]

Encl: (1) Copy of BCNR ltr JLB Docket No. 467-17 dtd 24 Apr 17

1. Enclosure (1) was previously forwarded for your action.
2. In order to insure proper implementation of the Board's findings, the recommendation contained in enclosure (1) is hereby amended to read:
 - a. The Certificate of Release or Discharge from Active Duty (DD Form 214), executed on or about 15 July 2012, was modified to read block 26 (separation code) "JCR" vice "KBK" and block 28 (narrative reason for separation) "WEIGHT CONTROL FAILURE" vice "COMPLETION OF REQUIRED ACTIVE SERVICE."
 - b. 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. Evidence of the Petitioner's commitment to this additional obligated service must be included in the Petitioner's record prior to the release of Involuntary Separation Pay (ISP).
 - c. Petitioner is authorized payment of "half" Involuntary Separation Pay (ISP) based on her discharge which occurred on 15 July 2012.
 - d. Note: the separation pay described above will be offset by any Veterans Disability Compensation to which Petitioner is or becomes entitled.
 - e. A copy of this Report of Proceedings will be filed in Petitioner's naval record.

Subj: AMENDED RECOMMENDATION IN THE CASE OF
FORMER MEMBER [REDACTED]

USN, [REDACTED]

3. The regulations approved by the Secretary of the Navy require that the naval record of Petitioner be corrected, where appropriate, with the approved recommendation of the Board.

[REDACTED]
Executive Director



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[REDACTED]
Docket No. 467-17
APR 24 2017

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

Subj: REVIEW OF NAVAL RECORD ICO
FORMER MBR [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 separation pay.
2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 2 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. OPNAV Instruction 1900.4 (Separation pay for involuntary separation from active duty) dated 20 December 2005 states the following: "Regular enlisted members must have completed at least 6 years of active duty service prior to separation." Furthermore, "Personnel limited to Half Separation Pay..." "... (7) Physical test and weight control failure,"
 - c. NAVADMIN 420/10 dated 29 December 2010 (New policy regarding involuntary separation pay for physical fitness assessment failure) states the following: "Effective 1 January 2011, ... members separated for failure to pass the physical fitness assessment (PFA) shall be assigned a separation program designator (SPD) code ending in either "FT" or "CR". " "... If a member fails to pass the BCA portion of the PFA in any of the failed cycles, they shall be assigned an SPD code ending in "CR" (Weight control) and may receive one half ISP."
 - d. On 2 February 2012, Petitioner received her 3rd failure to meet standards in a 4 year period.

Subj: REVIEW OF NAVAL RECORD ICO

FORMER MBR [REDACTED]

USN, [REDACTED]

e. On 15 July 2012, Petitioner separated at the end of her obligated service. Petitioner was not recommended for reenlistment.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the fact that the Petitioner's separation from the service was involuntary as she is ineligible for reenlistment due to weight control failure, 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:

a. The Certificate of Release or Discharge from Active Duty (DD Form 214), executed on or about 15 July 2012, was modified to read block 26 (separation code) "JGH" vice "KBK" and block 28 (narrative reason for separation) "WEIGHT CONTROL FAILURE" vice "COMPLETION OF REQUIRED ACTIVE SERVICE."

b. 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. Evidence of the Petitioner's commitment to this additional obligated service must be included in the Petitioner's record prior to the release of Involuntary Separation Pay (ISP).

c. Petitioner is authorized payment of "half" Involuntary Separation Pay (ISP) based on her discharge which occurred on 15 July 2012.

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

e. 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]
Recorder

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