## NT OF CASE

## **DEPARTMENT OF THE NAVY**

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

> Docket No. 3592-23 Ref: Signature Date

Dear ,

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 20 December 2023. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies.

You requested to establish 4 days of active duty service credit to garner eligibility for Involuntary Separations Pay (ISP). The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that the Department of Defense Instructions 1332.29 outlines the criteria to be eligible for ISP. Specifically, included in the criterion is the Service member is being involuntarily separated by the Military Service concerned through either the denial of reenlistment or denial of continuation on active duty under established promotion or high year tenure policies. Additionally, the Service member has entered into a written agreement with the Military Service concerned to serve in the Ready Reserve of a Reserve Component of the Military Services for a period of not less than 3 years following the separation from active duty/active service. Military Personnel Manual (MILPERSMAN) Article 1920-040 reiterates the aforementioned requirements. MILPERSMAN 1920-030 stipulates enlisted Sailors must have Commanding Officer's recommendation for advancement and retention and participate in and pass the most recent Navy Wide Advancement Examination (NWAE) before separation to receive full ISP. MILPERSMAN 1920-030 further indicates discharge or release from active duty initiated or caused by the service member to include service member declines or does not request reenlistment or extension and is subsequently separated is not entitled to ISP.

A review of your record reflects you entered active duty on 14 September 2006. Subsequently you advanced to Builder Second Class (BU2)/E-5 effective 16 December 2012. You reenlisted on 10 January 2014 for 6-year and thereafter, you executed an aggregate of 33 months of extensions; end of active obligated service (EAOS) was 9 September 2022. Your Periodic evaluations for period of report from 16 March 2020 to 15 March 2021 and 16 March 2021 to 16 March 2022 recommended you for promotion and retention. However, you failed to participate in the March 2022 (Cycle 255) NWAE. Your Detachment evaluation for period of report from 16 March 2022 to 9 September 2022 was a not observed report stating, "Member has been on terminal leave for majority of reporting period." On 9 September 2022, you discharged from active duty and issued DD Form 214, Certificate of Release or Discharge from Active Duty. You discharged with 15 years, 11 months, and 26 days of active duty service, Separation Code of "KBK" – Completion of Required Active Service and a Reentry Code of "RE-R1" – Recommended for Preferred Reenlistment. Your DD Form 214 does not contain the required verbiage for a Service member authorized ISP.

The Board could not find, nor did you provide sufficient evidence to reflect you requested and was denied reenlistment on active duty or that you requested to reenlist in the Ready Reserve for a minimum of 3 years to receive ISP. Furthermore, Navy Standard Integrated Personnel System Electronic Service record and your official military personnel file are void of proof that you initiated or completed the required Ready Reserve NAVPERS 1070/613, Administrative Remarks acknowledging the 3 year service requirement and requirements of the Individual Ready Reserve (IRR)-Active Status Pool (ASP). Moreover, Navy Personnel Command (PERS-93) confirmed a request was never made by you or your command regarding retention/request reenlistment in the IRR/ASP. The Board determined that your discharge was executed on a volunteer basis, therefore under these circumstances, a change to your record is not warranted.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

