



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

█
Docket No. 9809-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER █, USN,
XXX-XX-█

Ref: (a) Title 10 U.S.C. § 1552
(b) Official Military Personnel File

Encl: (1) DD Form 149 w/attachments

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 Certificate of Discharge or Release from Active Duty (DD Form 214) be changed to reflect his disability discharge with severance pay.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 14 March 2024, and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, 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, 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. According to reference (b), Petitioner enlisted in the Navy and completed a period of active duty from 15 January 2008 to 14 January 2013, at which time he was transferred to the Navy Reserve. He served periods of active duty in the reserve from 11 August 2017 to 22 January 2019, 16 April 2019 to 5 August 2021, and 10 Jan 2022 to 26 September 2023.

c. During Petitioner's final period of active duty, he was referred into the Disability Evaluation System. On 17 April 2023, and Informal Physical Evaluation Board (IPEB) found Petitioner to be unfit with a 10% rating due to Chondromalacia Patellae, Left Knee, Stable. On 10 July 2023, President, PEB, issued a Notification of Decision, informing the Chief of Naval Personnel that Petitioner was found unfit and should be separated with severance pay based on an unfitting condition with a 10% disability rating. Notwithstanding the Notification of Decision, Petitioner's final DD Form 214 reflects that he was discharged on 26 September 2023 due to completion of required service vice Disability – Severance.

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

d. In his petition, Petitioner contends that he was discharged due to PEB findings of a 10% rated unfitting condition and that his DD Form 214 was issued in error and that he never received his severance pay.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants relief. The Board determined that Petitioner's DD Form 214 contains an error in that it failed to state that he was separated by the PEB as a result of a Disability with Severance. Thus, the Board determined Petitioner's record shall reflect in all relevant areas that he was, on 26 September 2023 separated with severance at 10 percent per the IPEB convened on 9 January 2023.

With respect to Petitioner's assertion that he did not receive his severance pay, as described below, the Board recommends the DFAS conduct an audit of any monies owed.

RECOMMENDATION

In view of the above, the Board directs the following corrective action.

That Petitioner receive a new DD Form 214, for the period ending 26 September 2023, reflecting the narrative reason as "Disability, Severance," with a corresponding authority for separation and separation program designator, and a reentry code of "RE-3P."

That a copy of this decision letter be placed in Petitioner's OMPF.

DFAS shall audit the Petitioner's pay account for payment of severance pay and any lawful monies owed.

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 Regulation, 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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

3/29/2024

