



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

█
Docket No. 10076-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █, USN,
█

Ref: (a) Title 10 U.S.C. § 1552
(b) DODI 1332.29
(c) MILPERSMAN 1920-030
(d) MILPERSMAN 1910-050
(e) MILPERSMAN 1160-120

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 the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to establish eligibility to receive Involuntary Separations Pay (ISP).

2. The Board, consisting of █, and █ reviewed Petitioner's allegations of error and injustice on 10 July 2024 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, 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, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. In accordance with reference (b), full payment of non-disability ISP is authorized to Service members who are involuntarily separated from active duty and meet the five specified criteria listed. This criterion includes, the Service member has completed at least 6 years and must prior to separation enter into a written agreement to serve in the Ready Reserve for a period of 3 years in addition to any service obligation remaining at the time of separation. Additionally, Service members must sign a mandatory disclosure statement regarding the consequences of collecting retired/retainer pay or Veterans Affairs disability compensation after receiving ISP.

b. Reference (c) requires enlisted Sailors to have the Commanding Officer's recommendation for advancement and retention and are required to take and pass the most recent advancement

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[REDACTED]

examination before separation to qualify of full separation pay. Reference (d) reiterates the 3-year Ready Reserve requirement in addition to any other remaining service obligation and specifies ISP will not be paid without a signed Reserve contract or Reserve enlistment denial letter; there are no exceptions.

c. Per reference (e), High Year Tenure (HYT) for Sailors in paygrade E-3 is 6 years length of service. Active duty personnel who are separated due to HYT gates and are advancement eligible at the time of separation may be eligible for full ISP.

d. On 22 January 2013, Petitioner entered active duty.

e. On 16 August 2014, Petitioner advanced to Hospital Corpsman/E-3.

f. In September of 2019, Petitioner participated in Cycle 244 Navy Wide Advancement Examination and passed not advanced.

g. On 3 January 2020, Petitioner issued BUPERS Order: 0030 (Official Separation Orders) with an effective date of separation of 21 January 2020, Separation Program Designator (SPD) "MBK," and an Honorable characterization of service.

h. Petitioner issued Detachment evaluation for period of report from 16 July 2019 to 21 January 2020 and was recommended for promotion and retention.

i. On 21 January 2020, Petitioner was released from active duty and transferred to the Navy Reserve – Individual Ready Reserve.

j. On 22 January 2020, Petitioner reenlisted for 4 years to incur sufficient service for separation pay.

k. On 24 January 2020, Petitioner issued DD Form 214, Certificate of Release or Discharge from Active Duty (Serial Number: N2020012100087-0) indicating, Reserve Obligation Termination Date: 30 July 2020; 7 years of active duty service from 22 January 2013 to 21 January 2020; honorable characterization of service; SPD: "MBK;" and Reentry Code: "RE-1."

l. On 11 March 2020, Petitioner signed two different "Full Separation Pay Inactive Ready Reserve (IRR) Requirements" NAVPERS 1070/613, Administrative Remarks.

m. On 25 January 2021, Petitioner issued a corrected DD Form 214 (Serial Number N2020012100087-1) amending the Remarks to include "Separation Payment - \$19,343.52 – Disbursing Symbol 8371;" SPD to "LBK;" and Reentry code to "RE-6."

n. On 21 January 2024, Petitioner was discharged from the Navy Reserve.

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[REDACTED]

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting the following corrective action. Petitioner met the eligibility criteria to receive ISP in accordance with references (b) through (e). However, as a result of administrative oversight, ISP was not processed prior to Petitioner's release from active duty. Although the proper administrative requirements were not completed, the Board determined that under these circumstances, relief is warranted.

RECOMMENDATION

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

Petitioner, in coordination with his command, completed the required 3-year Ready Reserve written agreement, NAVPERS 1070/613, Administrative Remarks prior to release from active duty and submitted it to Commander, Navy Personnel Command for inclusion in Petitioner's Official Military Personnel File.

Petitioner authorized payment of full ISP based on his 21 January 2020 release from active duty. Note: Petitioner is required to sign a mandatory disclosure statement per reference (b) prior to the processing of ISP. Navy Personnel Command is authorized to correct any other entries affected by the Board's recommendation.

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

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 Regulations, 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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

7/31/2024

