



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

██████████
Docket No. 155-24
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) DODI 1332.29
(c) MILPERSMAN 1910-050

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 her naval record be corrected to establish eligibility to receive Involuntary Separation Pay (ISP).

2. The Board, consisting of ██████████, ██████████, ██████████ reviewed Petitioner's allegations of error and injustice on 24 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, she exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 5 August 2014, Petitioner enlisted in the Naval Reserve for 8 years of which 4 years was an active duty obligation. Petitioner entered active duty on 19 November 2014.

b. On 23 March 2021, Petitioner advanced to Logistic Specialist Second Class/E-5.

c. On 31 October 2018, Petitioner reenlisted for 3 years and thereafter extended for 12 months; end of active obligated service 30 October 2022.

d. Petitioner issued Periodic evaluation for period of report from 22 March 2021 to 15 March 2022 with Promotable promotion recommendation and recommended for retention.

e. Petitioner issued Special evaluation for period of report from 16 March 2022 to 2 August 2022 due to two consecutive Physical Fitness Assessment failures. Petitioner received significant problems promotion recommendation and was not recommended for retention.

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f. Petitioner issued Detachment evaluation for period of report from 16 March 2022 to 30 October 2022 with Promotable promotion recommendation and not recommended for retention.

g. On 30 October 2022, Petitioner released from active duty and transferred to the Navy Reserve. Certificate of Release or Discharge from Active Duty (DD Form 214) reflects completion of 7 years, 11 months and 12 days of active duty service, honorable Characterization of Service, Separation Code of MBK, and Reentry Code of RE-R1.

h. Petitioner assigned to the Individual Ready Reserve from 31 October 2022 to 2 November 2022 and discharged from the Navy Reserve.

i. On 8 November 2022, Petitioner issued BUPERS Order: [REDACTED] (Official Separation Orders) with effective date of separation: 10 November 2022; Separation Program Designator (SPD) MBK; and Characterization of Service: Honorable.

j. Petitioner signed two "Involuntary Separation Pay" NAVPERS 1070/613, Administrative Remarks dated 9 November 2022 acknowledging the 3-year Ready Reserve service obligation.

k. On 13 January 2023, Petitioner enlisted in the Navy Reserve for 4 years and affiliated with the Selected Reserve.

l. On 29 March 2013, Navy Personnel Command (PERS-93) issued Petitioner notification of ineligibility to enlist in the Ready Reserve, however advised that she "may be eligible for ISP provided you meet all other eligibility requirements."

m. After 31 March 2023, Petitioner was provided directions to petition the Board for correction of DD Form 214 to garner eligibility for ISP due to the dates of supporting documentation being issued and signed after date of separation.

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)¹ and (c).² However, as a result of administrative oversight, ISP was not processed prior to Petitioner's released from active duty. Although the proper administrative

¹ Half 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, their separation is characterized as honorable, they are not fully qualified for retention, and denied reenlistment for weight control failure. Prior to separation, Service Members must also enter into a written agreement to serve in the Ready Reserve for no less than 3 years, in addition to any service obligation remaining at the time of their 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.

² 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. The policy further indicates to become eligible for ISP, Service members who are otherwise eligible must sign a prerequisite written agreement to serve in the Ready Reserve using a permanent NAVPERS 1070/613, Administrative Remarks.

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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 her command, submitted the required Ready Reserve written agreement, NAVPERS 1070/613, Administrative Remarks and Petitioner's request to reenlist was denied by cognizant authority prior to discharge from active duty. The NAVPERS 1070/613, Administrative Remarks and reenlistment denial letter were submitted to Commander, Navy Personnel Command for inclusion in Petitioner's Official Military Personnel File.

Petitioner's BUPERS Order: [REDACTED] (Official Separation Orders) was issued prior to separation and amended to reflect SPD of HCR vice MBK and official date of separation 30 October 2022 vice 10 November 2022.

Petitioner's DD Form 214 will be corrected to reflect Block 26 (Separation Code) HCR vice MBK and Block 27 (Reentry Code) RE-3F vice RE-R1. Note: Navy Personnel Command is authorized to correct any other entries affected by the Board's recommendation and will issue a DD Form 215 or a new DD Form 214 whichever one they deem appropriate.

Petitioner authorized payment of half ISP based on her 30 October 2022 release from active duty. Note: Petitioner is required to sign a mandatory disclosure statement per reference (b) prior to the processing of ISP.

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.

8/7/2024

