

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

> Docket No. 659-24 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 28 August 2024. 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 have Involuntary Separation Pay (ISP) removed from your DD Form 214, Certificate of Release or Discharge from Active Duty ending 7 February 2008 to avoid a deduction from your Veteran Affairs disability compensation. 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 you were authorized ISP at the time of discharge in accordance with Department of Defense Instruction 1332.29. Specifically, payment of nondisability ISP is authorized to Service members who are involuntarily separated from active duty and enters into a written agreement with the Military Service concerned to serve in the Ready Reserve for a period of not less than 3 years following separation from active duty. However, a Service member who enters into this written agreement and who is not qualified for appointment or enlistment in the Ready Reserve need not be enlisted or appointed by the Military Service concerned to be considered to have met this condition of eligibility for separation pay. Additionally, per Military Personnel Manual Article 1160-120, the high year tenure (HYT) gate for E-4 was 8 years length of service. A review of your record reflects that you entered active duty on 8 February 2000 and advanced to Storekeeper Third Class/E-4 effective 16 September 2004. You reenlisted on 18 January 2005 for 3 years and thereafter, signed a 1-month extension that indicated "MEMBER AGREES TO EXTEND MILITARY SERVICE TO MEET HYT DATE REQUIREMENTS." Subsequently, you discharged from active duty on 7 February 2008 and issued DD Form 214, Certificate of Release or Discharge from Active Duty with 8 years of active duty service, annotation of "SEPARATION PAYMENT - \$10,284.48," Separation Code of "JBK" – Non-Retention on Active Duty and Reentry Code of "RE-3M" (ineligible for reenlistment in current rating). On 16 August 2024, the Defense Finance and Accounting Service confirmed you were paid ISP in the amount of \$10,248.48 (less \$2,562.12 deducted in taxes) on 27 February 2008. Therefore, the Board determined 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.

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| | Deputy Director | |
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