



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

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Docket No. 1997-24
Ref: Signature Date

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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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 18 September 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. In addition, the Board considered the advisory opinion contained in Headquarters, U.S. Marine Corps (HQMC) memorandum 5420 MMEA of 5 September 2024 and your response to the opinion.

You requested that your naval record be corrected to establish eligibility to receive full involuntary separation 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 you did not meet the eligibility criteria for ISP in accordance with Secretary of the Navy Instruction 1900.7G. This policy specified the phrase "involuntarily separated, discharged, or released from active duty" includes all forms of separation under conditions wherein the individual is released from active duty at any time prior to the completion of a stipulated period of active service or tour of active duty and not at his/her own request, or denied reenlistments or extension on active duty. Examples include release due to reduction in force or a failure of selection for promotion, and release of reserve members not accepted for an additional tour of active duty for which they volunteered. However, a member who separated from active duty at their own request is not eligible for separation pay.

A review of your record reflects you entered active duty on 13 January 1977. You were awarded nonjudicial punishment (NJP) for violation of Article 86 (Unauthorized Absence) on 3 December 1984. Thereafter, you were assigned duty as a Drill Instructor on 24 July 1986 and reenlisted for 2 years on 2 July 1987. The Board could not find, nor did you provide evidence of any adverse or derogator documents issued to and/or action taken against you during your tour as a Drill Instructor. On 1 August 1988, you transferred to Marine Aviation Training Support Group 90 as an instructor. During this tour of duty, you reenlisted for 4 years on 15 July 1989. Additionally, you were awarded NJP on 1 November 1990 for 2 counts of violation of Article 92 (Failure to Obey Order or Regulation) followed by your assignment to Marine Aircraft Group 26 on 8 April 1993. During fiscal year 1993 (FY93), you were issued a NAVMC 118(11), Administrative Remarks, acknowledging HQMC's decision to not include you in the Voluntary Separation Incentive/Special Separation Benefit of FY 1993, and that to be eligible for separation pay, a request for reenlistment must be forwarded to HQMC and be returned denied. No such instances were found in your record. Subsequently, you were discharged from active duty with 16 years, 6 months, and 7 days of total active duty service on 14 July 1993. Your DD Form 214, Certificate of Release or Discharge from Active Duty was issued with Block 18 (Remarks) indicating, "PAID SEPARATION PAY \$17989.29 ON 930714;" Separation Code of "KBK1;" and Reentry Code of "RE-3C."

The Board determined that allowing the expiration of active service to occur without a reenlistment request denied by HQMC rendered you in eligible for separation pay in accordance with the aforementioned policy. Therefore, in this connection, the Board substantially concurred with the comments contained in the advisory opinion and 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.

Sincerely,

10/8/2024

