



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

■
Docket No. 4758-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USNR,
XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) OPNAVINST 1900.4A
(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 [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 9 October 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. On 6 July 2006, Petitioner entered active duty.
- b. On 16 December 2012, Petitioner advanced to Electrician's Mate Second Class/E-5.
- c. On 3 May 2018, Petitioner reenlisted for 4 years and thereafter extended for 30 months.
- d. Petitioner issued Periodic evaluation for period of report from 27 April 2021 to 15 March 2022 with Promotable promotion recommendation and recommended for retention.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USNR,
XXX-XX-[REDACTED]

e. In September 2022, Petitioner participated in Cycle 256 Navy Wide Advancement Exam (NWAE) and passed not advanced.

f. On 5 December 2022, Petitioner issued BUPERS Order: [REDACTED] (Official Separation Orders) with an effective date of separation of 5 January 2023, Separation Program Designator (SPD) “KBK,” and an Honorable Character of Service.

g. On an unknown date, Petitioner signed “Involuntary Separation Pay” NAVPERS 1070/613, Administrative Remarks acknowledging the requirement to enlist in the Ready Reserve for 3 years to receive ISP.

h. On 4 January 2023, Petitioner signed NAVRES 1570/2, Satisfactory Participation Requirements/Record of Unexcused Absences and CNAVRES 1326/4, Enlisted Application and Orders to a Navy Reserve Unit. CNAVRES 1326/4 was not signed or adjudicated by a Navy Reserve Activity.

i. On 5 January 2023, Petitioner issued DD Form 214, Certificate of Release or Discharge from Active Duty indicating, Reserve Obligation Termination Date: N/A; 16 years, and 6 months of active duty service from 6 July 2006 to 5 January 2023; Remarks: “Separation Payment - \$76,721.00 – Disbursing Office Symbol 3508;” Honorable Character of Service; Separation Code: “JBK;” and Reentry Code: “RE-6.”

j. On 23 January 2023, Petitioner issued BUPERS Order: [REDACTED] (Official Modification to Separation Orders) adding High Year Tenure (HYT) date of 5 January 2023 and changing SPD code to “JBK.”

k. On 11 April 2023, Petitioner enlisted in Naval Reserves for 3 years and gained to Selected Reserve (SELRES) NR RSU GNC (RUIC: 86272) after a 2 months and 17 days break in service; pay entry base date adjusted to 11 October 2006.

l. On 7 October 2024, Navy Personnel Command (PERS-93) provided the Board with Petitioner’s Ready Reserve package which included a reenlistment contract effective 6 January 2023 for 3 years and two “Full Separation Pay Inactive Ready Reserve (IRR) Requirements” NAVPERS 1070/613, Administrative Remarks indicating he was eligible to reenlist in the Navy Reserve. However, the documents were not returned to PERS-93 signed by Petitioner.

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).¹ However, as a result of administrative

¹ 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 criteria includes, eligible Service members 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. Reference (c) requires enlisted Sailors to have the Commanding Officer’s recommendation for advancement and retention and are required to take and pass the

Subj: REVIEW OF NAVAL RECORD ICC [REDACTED], USNR,
XXX-XX-[REDACTED]

oversight, ISP was not processed prior to Petitioner's discharge 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.

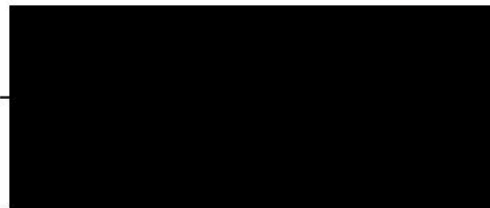
Petitioner reenlisted on 6 January 2023 for 3 years and gained to the Active Status Pool. Note: There is no change to the 11 April 2023 reenlistment and assignment to SELRES unit.

Petitioner authorized payment of full ISP based on his 5 January 2023 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 titled 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.

10/23/2024



most recent advancement 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. Reference (e), Sailors in paygrade E-5 is 16 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. Sailors that participate in the September NWAE must be on active duty on 1 January of the following year.