



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

LCC
Docket No. 7478-09
18 Oct 10

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

Subj: REVIEW OF NAVAL RECORD ICO
[REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) NPC memo 7220 PERS 823 of 9 Jul 09
(3) Subject's naval record

1. Pursuant to the provisions of reference (a) Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show Petitioner is entitled to an additional 41 days credit toward his retirement multiplier under the provisions of paragraph 2.2.3, DOD INST 1340.19 for public service performed during the "enhanced retirement qualification period".

2. The Board, consisting of Messrs. George, Pfeiffer, and Zsalman, reviewed Petitioner's allegations of error and injustice on 12 October 2010 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, naval records, 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, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner was transferred to the Fleet Reserve on 31 October 1998, under the provisions of the Temporary Early Retirement Authority (TERA), with 15 years, 2 months, and 23 days of creditable service.

c. An individual transferred to the Fleet Reserve under the Provisions of TERA may accrue additional creditable service for work in Public Service during the "enhanced" period. The "enhanced" period is the period of time following the retirement to the date he would have attained 20 years service.

d. The period of "enhanced" Public Service can be used to add to the retirement multiplier.

e. Reporting of public service performed during the enhanced period was to be made by the retiree within 1 year of the end of the enhanced period.

f. The last individual retired under TERA on 31 August 2002. All reports of public service should have been completed by or before CY2008. The Defense Manpower Data Center (DMDC) has ceased processing new applications for enhanced retirement credit. Any individual submitting an application for enhanced retirement credit is now instructed to submit their application to the Board for Correction of Naval Records (BCNR).

g. Petitioner is requesting his retired pay be recomputed on reaching age 62, based on the Public Service he earned during the "enhanced" period under TERA. He worked for the Housing Authority of the County of Contra Costa.

h. The end of his "enhanced" period was 31 August 2003, which is the date he would have attained 20 years of active service

i. An approved Board for Correction of Naval Record finding will be sent through the DMDC for processing and will be mailed to Temporary Early Retirement Authority, [REDACTED] 400 Gigling Road, Seaside, CA, 93955.

j. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

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

a. Petitioner is to be credited with 41 days additional days of service for computing retired pay for the period between 21 July 2003 and 31 August 2003 based on his public service during the "enhanced" period.

b. So much of Petitioner's request for corrective action as exceeds the foregoing be denied.

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

4. It is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


WILLIAM J. HESS, III
Acting Recorder

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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

18 October 2010


W. DEAN PFEIFFER
Executive Director