



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

[REDACTED]
Docket No. 8833-20
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
XXX XX [REDACTED] USMC

Ref: (a) Title 10 U.S.C. § 1552
(b) MARADMIN 663/19

Encl: (1) DD Form 149 w/attachments
(2) HQMC memo 1070 MPO of 14 Jan 21
(3) 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 entitlement to Continuation Pay (CP).

2. The Board, consisting of [REDACTED], [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 15 September 2021 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. In accordance with reference (b), Marines who enrolled in Blended Retirement System (BRS) and complete 12 years of service (YOS) may be eligible for a one-time CP payment in exchange for an agreement to service four (4) additional years of obligated service, to run concurrent with any existing service obligation. For the purpose of CP eligibility, 12 YOS is defined as 12 years and zero days of service as calculated from the Marine's Pay Entry Base Date (PEBD).

b. Petitioner's PEBD is 14 October 2008.

c. Petitioner enrolled into the BRS on 2 January 2018.

d. Petitioner's last day eligible to elect CP was 13 October 2020.

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e. Petitioner signed Active Duty Blended Retirement System (BRS) Continuation Pay Statement of Understanding (SOU) on 15 December 2020 and elected lump sum payment.

f. 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. Petitioner met the eligibility criteria for CP; however, he failed to make the election in accordance with reference (b) prior to passing the service deadline of 12 years. The Board found that had Petitioner received clear and timely guidance on making an election to receive CP, he would have followed proper procedures prior to going over 12 years of service. Although Petitioner did not complete the proper administrative requirements, the Board felt 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 Statement of Understanding prior to reaching 12 years of service and submitted it to Commandant of the Marine Corps (CMC) for inclusion in the Petitioner's Official Military Personnel File.

CMC validated Petitioner's CP eligibility and released CP authorization to Defense Finance and Accounting Service (DFAS). Note: DFAS will complete an audit of Petitioner's pay records to determine retroactive pay entitlement.

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.

10/8/2021

[REDACTED]
Deputy Director

Signed by: [REDACTED]