



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. 1701-21

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 20 October 2021. 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 the Office of the Chief of Naval Operations memorandum 7220 Ser N130/21U0404 of 26 March 2021; a copy of which was previously provided to you for comment.

You requested to establish enrollment in the Blended Retirement System (BRS). 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 the announcement of the BRS for the uniformed services initially promulgated via Navy Administrative (NAVADMIM) message 217/16. Thereafter, several NAVADMIN messages, training courses, and Military Personnel Manual Article (MILPERSMAN) 1810-080 were released outlining eligibility, processing, and reference information germane to enrolling in the BRS. Specifically, the policies indicated Reserve component members in a paid status with less than 4,320 retirement points had the choice to stay in the legacy retirement system or opt into BRS. Additionally, the policies specified the election window for opt-in eligible members was 1 January 2018 through 31 December 2018 and enrollment could only be completed on the myPay website.

A review of your record reflects you signed NAVCRUIT 1131/161, Navy Reserve Officer – Medical Corps (2105) Service Agreement upon reentry into the Navy Reserves on 14 February 2012. By signing the agreement you acknowledged in paragraph 4, “As a consequence of the

above circumstances and because of my age at appointment and limited (or lack of) prior military service, I may not be able to achieve eligibility for retired pay. Furthermore, if I am unable to complete 20 years of active commissioned service by age 60, I will not be eligible for an appointment in the Regular Navy now, or in the future.” Moreover, Navy Personnel Command issued you notification of Age Screening on 29 April 2015, whereby, you were informed of reaching age 62 in March 2016, not being eligible for retirement and would be honorably discharged effective 31 March 2016, unless an age waiver was granted. Subsequently, you received age waivers that authorized your retention until discharged on 27 March 2021.

Further review of your record reveals you completed the mandatory BRS training on 21 October 2017 and earned less than 4,320 retirement points as of 31 December 2017, thereby rendering you eligible to opt-into the BRS. However, you failed to enroll in the BRS during the election window despite NAVADMIN 302/17 and 280/18 reminding Service Members of the timelines to opt-in BRS, that failure to make an election would place a Service Member in the legacy retirement system, and that the elections would be irrevocable. Although MILPERSMAN 1810-080 authorized specific exceptions in which a Service Member could be authorized an extension to make their BRS election; your situation did not meet the criterion. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

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,

11/4/2021

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Deputy Director
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