



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

[REDACTED]
Docket No. 5099-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN RET,
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 10 U.S.C. § 1143a
(c) DODI 1340.19

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 receive service credit from Public and Community Service (PACS) program.

2. The Board, consisting of [REDACTED], [REDACTED] and [REDACTED], reviewed Petitioner's allegations of error and injustice on 14 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. Reference (b), implemented the PACS program to encourage members of the armed forces to enter into public and community service jobs after discharge or release from active duty under the temporary early retirement authority before the completion of 20 years of creditable service. In accordance with reference (c), one of the eligibility criterion for PACS is members must be employed within the period beginning on the date of retirement and ending on the date the retired member would have attained 20 years of creditable service for computing retired pay (referred as "enhanced retirement qualification period" (ERQP)).

b. Petitioner served on active duty from 28 January 1974 through 26 January 1978. Thereafter he was released from active duty and transferred to the Navy Reserve.

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c. On 21 February 1983, Petitioner reentered active duty until 23 June 1983 at which time he was discharged to accept a commissioning.

d. On 24 June 1983, Petitioner was commissioned and served on active duty until 31 January 1995.

e. On 1 February 1995, Petitioner retired under Temporary Early Retirement Authority (TERA) with a total of 15 years, 11 month, and 19 days of active duty service.

f. On 21 February 1995, Petitioner started employment at the [REDACTED] in [REDACTED].

g. On 1 March 1999, Petitioner reached his ERQP; SF-50, Notification of Personnel Action effective 28 March 1999 reflects Petitioner was still employed with [REDACTED].

h. On 18 December 2016, Petitioner reached his [REDACTED] birthday.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. The Board determined the Military Service failed to provide a copy of DD Form 2676, Validation of Public or Community Service Employment, and explain the reporting requirements and procedures for enhanced retirement credit in accordance with reference (c); therefore, the Board felt, under these circumstances, relief is warranted.

RECOMMENDATION

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

Petitioner requested PACS registration and it was approved prior to effective date of transfer to Retired List under TERA on 1 February 1995.

Petitioner became employed under the conditions specified in reference (b), obtained certification of employment from the employing organization; and submitted a completed DD Form 2676, Validation of Public or Community Service Employment. Note: Petitioner submitted DD Form 2676, Validation of Public or Community Service Employment at the beginning of his qualifying periods of employment, at the end of his qualifying periods of employment, or the end of the ERQP (whichever came first), and annually during a qualifying period of employment on the anniversary of the date of retirement.

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.

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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.

11/10/2021

[REDACTED]

Deputy Director

[REDACTED]