



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. 5482-21
Ref: Signature Date

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 9 February 2022. 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 Headquarters Marine Corps (HQMC) memorandum 1070 MPO of 8 October 2021 which a copy was previously provided to you for comment.

You requested to establish participation in the Blended Retirement System (BRS) effective 5 January 2019 upon reporting to Officer Candidate School. 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 you did not meet the criteria for retroactive participation in BRS effective 5 January 2019 in accordance with Marine Corps Bulletin 1800 (MCBul). Specifically, the policy indicates Marines who entered into service on or after 1 January 2018 were automatically enrolled into the BRS, and those who had a Date Entered Armed Forces (DEAF) on or before 31 December 2017 remain covered by the legacy retirement plan. However, Active Component Marines with less than 12 years of service, as determined by their pay entry base date as of 31 December 2017 had the option to enroll in the BRS and waive their eligibility to the legacy program. Additionally, the aforementioned policy defines the DEAF as the date an individual was initially enlisted, inducted, or appointed in a regular or reserve component. For members of the delayed entry program, it was the date an enlistment contract was signed, regardless of when the member actually entered active duty, and breaks in service do not affect a DEAF. Moreover, the MCBul 1800 specifies that any BRS enrollment resulting

from a request for hardship extension to the enrollment period shall be effective as of the date that the hardship extension is approved by MPO and no retroactive enrollments shall be granted.

A review of your record indicates, you requested a hardship waiver from HQMC MPO on 17 February 2021 with the NAVMC 11907, BRS Election Form, dated 17 February 2021. HQMC MPO approved your hardship waiver on 17 May 2021 and set your BRS enrollment date to the date of approval. 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,

2/28/2022

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Deputy Director

Signed by: █