



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

[REDACTED]
Docket No. 678-22
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) Public law 102-484 § 1143a, 23 Oct 92
(c) DoDI 1340.19, 17 Nov 93
(d) DoD 7000.14-R FMR Volume 7B Chapter 1
(e) Operation Transition PACS Employer Database Feb 09

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 for the year immediately following his retirement under the Temporary Early Retirement Authority (TERA).

2. The Board, consisting of [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 18 August 2022 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, 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. In accordance with reference (b), in order to be eligible for retirement by reason of the authority provided in subsection (b), a member of the Armed Forces shall— (1) register on the registry maintained under section 1143a(b) of title 10, United States Code (as added by section 4462(a)); and (2) receive information regarding public and community service job opportunities from the Secretary of Defense or another source approved by the Secretary and be afforded, on request, counseling on such job opportunities.

The Secretary of each military department may prescribe regulations and policies regarding the criteria for eligibility for early retirement by reason of eligibility pursuant to this section and for the approval of applications for such retirement. Such criteria may include factors such as grade, years of service, and skill.

c. In accordance with reference (c), this Instruction establishes policy, assigns responsibilities, and prescribes procedures to certify the public and community service employment of eligible retired

members under Section 4464 of reference (a). Such certified employment may be used to re-compute military retired pay and, where applicable, the Survivor Benefit Plan (SBP) base amount when the retired member attains or would have attained 62 years of age.

This Instruction applies to any member of the Military Services who Retires (other than for disability) under the temporary early retirement authority before the completion of 20 years of creditable service (as computed under the applicable provision of law) (herein referred to as "retiree"). Is employed by a public or community service organization listed on the registry required by Section 1143a(c) of 10 U.S.C. Is 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 (herein referred to as "enhanced retirement qualification period").

During retirement processing, the Military Services shall provide each retiree a copy of DD Form 2676, "Validation of Public or Community Service Employment," and explain the reporting requirements and procedures for enhanced retirement credit as described in this Instruction.

A retiree who becomes employed under the conditions specified in shall obtain certification of employment from the employing organization and submit a completed DD Form 2676 as follows: At the beginning of a qualifying period of employment, unless the expected period of employment is less than 3 months. At the end of a qualifying period of employment or the end of the enhanced retirement qualification period, whichever comes first. Annually during a qualifying period of employment on the anniversary of the date of retirement, unless this date is within 3 months of either of the dates defined by subparagraphs 5.3.1.1. and 5.3.1.2.

d. On 18 September 1995, BUPERS (PERS 27) notified PERSUPPDET, [REDACTED] that Petitioner's Transfer to Fleet Reserve was authorized effective 30 September 1996. Petitioner had completed 16 years and 14 days of active service.

Furthermore, do not retire service member until registration for PACS is completed. By Law, all Temporary Early Retirement Authority (TERA) retirees are required to register for PACS, but are not required to accept employment. If Petitioner refuses to enroll on the PACS registry, advise PERS-27 and the authorization for retirement will be cancelled.

e. On 26 June 1996, Chief of Naval Education and Training notified Petitioner that he had been certified by the U.S; Navy for employment as an associate naval science instructor (ANSI) with the Naval Junior Reserve Officers Training Corps (NJROTC).

f. On 4 September 1996, [REDACTED] Central School District notified Petitioner that for the record, the Board of Education has directed him to specify, in writing, the salary and fringe benefits that are being provided to Petitioner. 1996-1997 Salary prorated for 9 September 1996 to 30 June 1997.

g. Petitioner was transferred to Fleet Reserve with an Honorable character of service and was issued a DD Form 214 for the period of 17 September 1980 to 30 September 1996 upon Early Retirement (15 years).

h. On 13 November 1996, Petitioner received a NJROTC Instructor Evaluation at [REDACTED] High School for the period ending 13 November 1996.

i. On 31 March 1997, Petitioner received a [REDACTED] Central School District a Professional Development Certificate. Petitioner earned one In-service Credit for the period of 3 December 1996 to 9 January 1997.

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j. In accordance with reference (d), under TERA, the Secretary of the Military Department concerned may reduce the 20 years of creditable service requirement to as few as 15 years for retirements during the periods of: 31 December 2011 through 31 December 2025, for Regular retirements only; and 23 October 1992 through 1 September 2002, for Regular and non-Regular retirements.

k. In accordance with reference (e), Operation Transition [REDACTED] Database, last updated in February 2009, [REDACTED] Central School District is not listed.

l. On [REDACTED], Petitioner will reach his 62nd birthday.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2) and references (b), (c), (d), and (e), the Board finds the existence of an injustice warranting the following partial corrective action. The Board determined that there is no evidence in Petitioner's OMPF of [REDACTED] registry by PERSUPPDET, [REDACTED], as required in BUPERS (PERS 27) 18 September 1995 message. Petitioner was employed as a JNROTC instructor for [REDACTED] Central School District for the period of 1 October 1996 to 30 June 1997, therefore, the Board felt, under these circumstances, relief is warranted for that period.

RECOMMENDATION

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

Petitioner, prior to early retirement, registered for PACS.

Petitioner became employed under the conditions specified in subsection 3.1 (DODI 1340.19), obtained certification of employment from the employing organization, and submitted a completed DD Form 2676 as follows; at the beginning of his qualifying period(s) of employment, at the end of his qualifying period(s) of employment, or the end of the enhanced retirement qualification period (whichever came first), and annually during a qualifying period of employment on the anniversary of the date of retirement.

Petitioner completed a period of employment from 1 October 1996 to 30 June 1997.

Note: When the retiree attains or would have attained 62 years of age, the Defense Finance and Accounting Service (DFAS) will re-compute military retired pay and, where applicable, the SBP base amount consistent with the procedures in DoD 7000.14-R, Volume 7, Part B.

That part of the Petitioner's request for corrective action that exceeds the foregoing be denied.

That no further changes be made to Petitioner's naval record.

That a copy of this report of proceedings 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.

8/29/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]