



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

■
Docket No. 1429-22
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 662/17
(c) MCBul 1800 dated 25 Jun 19

Encl: (1) DD Form 149 w/attachments
(2) HQMC memo 1070 MPO of 15 Apr 22
(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 participation in the Blended Retirement System (BRS) effective 19 April 2018. Additionally, if approved, Petitioner request one percent of his pay from 8 February 2020 to present and four percent of his pay from his Thrift Savings Plan (TSP) contribution, start date of 1 June 2020 to present to be contributed to his Roth TSP as a result of the correction.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 4 May 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, 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 references (b) and (c), Marines who have a Date Entered Armed Forces (DEAF) on or before 31 December 2017, remain covered by the legacy retirement plan. Recruit and student officer with DEAF before 1 January 2018 must make a decision to remain in the legacy retirement system or enroll in the BRS during calendar year 2018. Additionally, reference (c) indicates the Service will work with the appropriate pay agent to ensure the proper retroactive government automatic and matching TSP contribution, including any earnings or losses, are made to the member's TSP account. Retroactive matching TSP contributions will be

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made in accordance with individual contributions previously made that should otherwise been matched had the member been correctly enrolled in BRS.

b. On 15 September 2015, Petitioner entered the U.S. Navy Reserve as a Midshipman in the Navy Reserve Officer Training Corps; this established his DEAF.

c. Petitioner's Armed Forces Active Duty Base date is 17 March 2018.

d. Petitioner completed BRS training, via lecture method, on 22 March 2018.

e. Petitioner elected to contribute 5% basic pay into Roth TSP on 26 April 2020.

f. Petitioner elected to contribute 7% basic pay into Roth TSP on 29 September 2020.

g. Petitioner was granted a hardship waiver from the Commandant of the Marine Corps and enrolled in the BRS on 3 January 2022.

h. Petitioner elected to contribute 8% basic pay into Roth TSP on 27 February 2022.

i. 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. The Board concluded, Petitioner might have been unaware the BRS enrollment criteria was based off his DEAF vice pay entry base date due to the infancy of the program. The Board determined that had Petitioner received proper counseling, he would have elected to opt-into BRS after completing BRS training. Therefore, the Board felt, under these circumstances, partial relief is warranted.

RECOMMENDATION

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

Petitioner elected to opt-in BRS and completed NAVMC 11907, Blended Retirement System Election Form on 19 April 2018.

The part of the Petitioner's request for corrective action that exceeds the foregoing does not require Board action. In accordance with reference (c), the Service has the ability to correct TSP matching contributions upon correction of BRS enrollment.

A copy of this Report of Proceedings will be filed in Petitioner's naval record.

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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.

6/13/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]

Copy to: CMC