



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

■  
Docket No. 1623-22  
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552  
(b) MILPERSMAN 1810-081  
(c) NAVADMIN 172/20

Encl: (1) DD Form 149 w/attachments  
(2) OCNO memo 7220 Ser N130/22U447 of 15 Mar 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 entitlement to Continuation Pay (CP).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 30 March 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 reference (b), Service Members who enrolled in Blended Retirement System (BRS) are eligible to receive mid-career CP at 12 years of serve (YOS) in exchange for an agreement to service four additional years of obligated service, to run concurrent with any existing service obligation. For the purpose of CP eligibility, 12 YOS is computed from the member's Pay Entry Base Date (PEBD) and must be elected before 12 YOS. Reference (c) advises that Sailors who were unable to elect CP through Navy Standard Integrated Personnel System were eligible to manually elect CP through their Command Career Counselor.

b. Petitioner's PEBD is 17 August 2009.

c. Petitioner enrolled in BRS on 8 January 2018.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,  
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d. Petitioner reenlisted on 22 May 2020 for a term of 6-years.

e. On 1 May 2021, Petitioner signed "Election of Continuation Pay (CP) for Active Component and FTS" NAVPERS 1070/613, Administrative Remarks, acknowledging the 4-year service commitment and requesting single lump sum payment.

f. Petitioner's last day eligible to elect CP was 16 August 2021.

g. 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. Petitioner met the eligibility criteria for CP in accordance with references (b) and (c), however, because of administrative error CP was not properly processed. Although the proper administrative requirements were not completed, the Board felt that under these circumstances, relief is warranted.

## RECOMMENDATION

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

Commander, Navy Personnel Command (PERS-8) validated Petitioner's CP eligibility and released CP authorization to Defense Finance and Accounting Service (DFAS) in a timely manner. Note: DFAS will complete an audit of Petitioner's pay records to determine retroactive pay entitlement.

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.

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.

4/22/2022

[REDACTED]  
Deputy Director  
[REDACTED]