



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

█  
Docket No. 2337-22  
Ref: Signature Dates

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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 7 September 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 also considered the advisory opinion (AO) by the Commander, Navy Personnel Command memorandum 5420/PERS-836/050 of 12 July 2022, which was previously provided to you. You were afforded an opportunity to submit a rebuttal, but did not do so.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

On 29 June 1981 you enlisted in the Navy for 4 years with an end of active obligated service (EAOS) of 28 June 1985. On 16 August 1985 you reenlisted for 16 August 1985 for 6 years with an EAOS of 15 August 1991. On 16 March 1986, you advanced to AW2/E-5. On 31 May 1991, you reenlisted for 4 years with an EAOS of 30 May 1995.

You were discharged with an honorable character of service and were issued a DD Form 214 for the period of 16 August 1985 to 30 May 1995 upon completion of required active service with a total of 15 years, 11 months, and 5 days.

You requested that you be retired under Temporary Early Retirement Authority (TERA) vice discharge on 31 May 1995. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that TERA is not an entitlement and although in accordance with NAVADMIN 117/94,<sup>1</sup> you were eligible to request TERA, there is no evidence in your OMPF that shows that you requested TERA or that Navy Personnel Command approved your request as you assert. Furthermore, there is no way to determine if a TERA request would have been approved based on other criteria and submission timelines outlined in NAVADMIN 117/94. 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,

9/21/2022

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Deputy Director  
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■ In accordance with NAVADMIN 117/94 published on 1 July 1994, TERA offers early retirement at a somewhat reduced monthly stipend to eligible members prior to completing 20 years of active service. Since TERA is not an entitlement, all eligible members who apply may not be approved. Ability to provide timely relief, completing minimum activity tours and number of requests previously received will all be considered in the TERA request review process. Members who meet the rating paygrade criteria below must have the indicated length of service by 31 October 1994. The AW rate for E-5 was listed with 15-20 years of service was listed.

Applications for the FY-95 TERA Program will be accepted through 16 September 1994. Applications will be processed on a first come first served basis with individual community limits established by requirements and paygrade. Members requesting TERA must request to retire no later than 31 December 1995.