



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

[REDACTED]
Docket No. 4139-22
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) MARADMIN 683/20, 13 Nov 20

Encl: (1) DD Form 149 w/attachments
(2) HQMC memo 1070 MPO, 17 Jun 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 20 July 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. On 14 January 2009, Petitioner enlisted in the Marine Corps Reserve (USMCR) for a term of 8 years, of which 5 years was an active duty obligation.

b. Petitioner served in the Marine Corps (USMC) from 5 May 2009 through 4 May 2014.

c. On 5 May 2014, Petitioner was joined to the USMC Individual Ready Reserve to complete his military service obligation and discharged on 13 January 2017.

d. On [REDACTED] Petitioner reenlisted in the USMCR to attend Officer Candidate School.

e. Petitioner commissioned in the USMC on 18 December 2017.

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- f. Petitioner enrolled into the Blended Retirement System (BRS) on 9 April 2018.
- g. Petitioner's last day eligible to elect CP was 23 September 2021.
- h. In September 2021, Headquarters Marine Corps (HQMC) (MMSR-20) initiated corrective action to adjust Petitioner's Pay Entry Base Date (PEBD).
- i. On 22 April 2022, Petitioner is advised his PEBD is corrected to reflect 24 September 2009; the correction led to the system automatically declining Petitioner for CP eligibility as he surpassed the 12-year deadline.
- j. Petitioner signed NAVMC 11905, Active Duty Blended Retirement System (BRS) Continuation Pay Statement of Understanding on 17 May 2022 and elected lump sum payment.
- k. 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 enrolled in the BRS in 2018, however, he failed to make the election for CP in accordance with reference (b)¹ prior to passing the service deadline of 12 years due to a PEBD error. The Board found that had Petitioner's PEBD been adjusted in a timely matter, he would have received CP notifications and would have followed proper procedures to elect CP before going over 12 years of service.

RECOMMENDATION

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

Petitioner, in coordination with his command completed the required Statement of Understanding prior to reaching 12 years of service and submitted it to Commandant of the Marine Corps (CMC) for inclusion in the Petitioner's Official Military Personnel File. CMC validated Petitioner's CP eligibility and released CP authorization to Defense Finance and Accounting Service (DFAS). 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.

¹ Reference (b), Marines who enrolled in BRS and complete 12 years of service (YOS) may be eligible for a one-time CP payment in exchange for an agreement to service four (4) additional years of obligated service, to run concurrent with any existing service obligation. For the purpose of CP eligibility, 12 YOS is defined as 12 years and zero days of service as calculated from the Marine's PEBD. Additionally, BRS participants who will reach 12 YOS in calendar year 2021 will receive notification of eligibility via Marine On-Line and Leave and Earning Statement messages 180 days and 30 days before reaching 12 YOS.

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[REDACTED]

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.

8/9/2022

[REDACTED]

Deputy Director

[REDACTED]