



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

█
Docket No. 7429-22
Ref: Signature Date

█
█
█

Dear █ █

█ 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 30 November 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 by the Chief of Naval Operations letter 7220/Ser. N130/2UXXXX of 19 October 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.

You requested exemption from all provisions of the Career Status Bonus (CSB)/REDUX due to receiving 100%, Permanent, and Total disability rating by the Department of Veterans Affairs (DVA) and having retired from the Navy with an honorable characterization of service. 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 pursuant to Public Law 99-348, the Military Retirement Reform Act of 1986, and as promulgated in Department of Defense Financial Management Regulation 7000.14-R, you do not meet the criteria for an exemption.

A review of your record reflects that you entered active duty and elected CSB on your 15th year of service. By electing to receive CSB payment, you acknowledged your understanding “that if and when I do retire, it will be under the provisions of the 1986 Military Retirement Reform Act (1986 MRRA, known as REDUX), and that my future retired pay, if based on length of service, will be reduced under such provisions in the form of a reduced multiplier before age 62 and annual Cost-of-Living Adjustments (COLA) that are 1 percentage point less than I would otherwise receive both before and after age 62, but with a one-time catch-up COLA adjustment at age 62.” Thereafter, you retired effective 1 August 2021 with 20 years, 2 months, and 28 days of active duty service, under the provisions of Title 10, U.S.C., Section 6330 (transfer to the Fleet Reserve with retainer pay). The authority under which you retired does not qualify for any exemptions in accordance with the 1986 MRRA. Additionally, your 100% disability rating by the DVA does not affect nor change the authority in which a Service member is retired. As such, you were placed in the REDUX retirement system as mandated by the aforementioned law and policy. 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, _____

12/1/2022

Deputy Director
