



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

■
Docket No. 7656-22
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) MILPERSMAN 1810-080
(c) NAVADMIN 144/21

Encl: (1) DD Form 149 w/attachments
(2) OCNO memo 7220 Ser N130/22U1705, 29 Nov 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], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 14 December 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), all Navy members who initially entered into military or uniformed service on or before 31 December 2017 are grandfathered under their legacy retirement plan and will not be enrolled in the Blended Retirement System (BRS) without making the election to opt-in. Furthermore, any member who, but for a break in service, would otherwise be eligible to elect to enroll in the BRS, and who returns to service with the Navy on or after 1 January 2019, following a break in service that commenced prior to 31 December 2017, may make an election to enroll in the BRS.

b. References (b) and (c) indicate, Service Members who enrolled in 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

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

the purpose of CP eligibility, 12 YOS is computed from the member's Pay Entry Base Date (PEBD). Reference (c) specified the CP election is made via the Navy Standard Integrated Personnel System (NSIPS), and if unable to elect CP through NSIPS, members may manually elect CP through their Command Career Counselor.

- c. Petitioner accepted a regular commission in the U.S. Navy on 20 December 2006.
- d. Petitioner was released from active duty on 31 January 2012 after 5 years, 1-month, and 12 days of active duty service and transferred to the Individual Ready Reserve (IRR).
- e. Petitioner was discharged from service on 12 May 2015.
- f. On 24 May 2018, Petitioner accepted a reserve commission in the U.S. Navy Reserve after a 3 years and 11 days break in service.
- g. Petitioner accepted a regular commission in the U.S. Navy on 1 August 2021.
- h. On 25 October 2022, a BRS election window was opened in NSIPS for Petitioner after his PEBD was corrected to 9 January 2010. This correction caused Petitioner's last day to elect CP to be changed to 8 January 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.
- j. On 30 November 2022, Petitioner elected to opt-into the BRS and acknowledged his CP eligibility date, CP obligated service requirements outlined in reference (b), and elected lump-sum payment.

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 there was an error with Petitioner's PEBD upon reentry into naval service. The Service corrected Petitioner's PEBD to 9 January 2010 on 25 October 2022. Thereafter, the Service authorized Petitioner to enroll in BRS in accordance with reference (b), but the election was made after 12 YOS, rendering Petitioner unable to elect CP. Therefore, the Board felt, under these circumstances, relief if warranted.

RECOMMENDATION

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

Petitioner in coordination with his command completed the required CP NAVPERS 1070/613, Administrative Remarks prior to reaching 12 years of service and submitted it to Commander, Navy Personnel Command for inclusion in the Petitioner's Official Military Personnel File.

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

Commander, Navy Personnel Command (PERS-8) 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.

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.

12/16/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]