



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

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Docket No. 7689-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ■■■■■ ■■■■■
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Ref: (a) Title 10 U.S.C. § 1552
(b) MARADMIN 662/17
(c) MCBul 1800
(d) MARADMIN 716/18

Encl: (1) DD Form 149 w/attachments
(2) HQMC memo 1070 MPO, 15 Nov 22
(3) HQMC memo 1070 MPO, 3 Apr 20
(4) 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 revert back to the Legacy Retirement Program or alternatively establish eligibility to receive Continuation Pay (CP).

2. The Board, consisting of ■■■■■ 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 references (b) and (c), an election to enroll into the BRS is irrevocable effective the date the decision is recorded in Marine Online or the Blended Retirement System (BRS) paper election form.

b. Reference (b) specified, 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.

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[REDACTED]

For the purpose of CP eligibility, 12 YOS is defined as 12 years and zero days of service as calculated from the Marine's Pay Entry Base Date (PEBD).

- c. Petitioner's PEBD is 15 October 2007.
- d. On 24 January 2017, Petitioner completed BRS Notification Training and BRS Training (Lecture Method).
- e. Petitioner enrolled into the BRS on 7 December 2018.
- f. Petitioner's last day to elect CP was 15 October 2019.
- g. Petitioner reenlisted on 20 September 2022 for a term of 4 years.
- h. 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 does not have merit and does not warrants favorable action. However, enclosure (3) included Petitioner in the favorable advisory opinion that outlined Marines did not receive the required notice of eligibility for CP prior to their 12-year anniversary date.
- i. Petitioner signed NAVMC 11905, Active Duty BRS CP Statement of Understanding (SOU) on 30 November 2022 and elected lump sum payment.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following corrective action. The Board determined Petitioner enrolled himself into the BRS on 7 December 2018 and received adequate training to enable him to make an informed decision on enrolling in the BRS, thereby ineligible to rescind his BRS election. However, the Board concluded Petitioner may have been unaware of the deadline (i.e., 12 year anniversary date) to accept CP in order to receive payment of CP because of the programming error in the Marine Corps Total Force System. The Board found that had Petitioner received timely notification to elect CP, he would have followed proper procedures prior to going over 12 YOS.

RECOMMENDATION

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

Petitioner, in coordination with his command completed the required SOU prior to reaching 12 YOS and submitted 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.

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[REDACTED]

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.

[REDACTED] 2022
[REDACTED]