



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

[REDACTED]  
Docket No. 8671-22  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,  
[REDACTED] (RET)

Ref: (a) Title 10 U.S.C. § 1552  
(b) Public Law 102-484 section 4403, 23 Oct 92  
(c) NAVADMIN 111/93, 3 Jul 93  
(d) DoDI 1340.19, 17 Nov 93

Encl: (1) DD Form 149 w/attachments  
(2) 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 her naval record be corrected to show Petitioner received service credit from Public and Community Service (PACS) program.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 31 January 2023 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Petitioner retired early with an honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 6 November 1977 to 31 August 1994 retirement with less than 20 years of service under early retirement program.

b. On 31 January 2017 Petitioner turned 62 years old.

c. On 7 February 2022 Metro Health System provided information current as of 16 February 2001 with employment start date of 11 December 1995 and total time with employer of 6 years and 6 months. Average hours per pay period was 80, and on 11 February 2022 [REDACTED], Board of Health notified Petitioner that this letter serves as verification of her

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employment with the [REDACTED] Board of Health. Petitioner's dates of employment were August 29, 1994 through December 9, 1995. The job title Petitioner held at their agency was Program Manager of Health Promotion.

## CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of referenced in (b),<sup>1</sup> (c),<sup>2</sup> and (d)<sup>3</sup> and enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that there is no evidence that Petitioner was counseled on the PACS program prior to her early retirement in accordance with reference (b). Furthermore, there is no evidence that Petitioner registered for PACS in accordance with reference (c), or that Petitioner completed DD Form 2676 as required in reference (d). However, the Board determined that Petitioner should be eligible to earn credit

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<sup>1</sup> Reference (b), section 4403 (Temporary Early Retirement Authority). The purpose of this section is to provide the Secretary of Defense a temporary additional force management tool with which to effect the drawdown of military forces through 1995. During the active force drawdown period, the Secretary of the Navy may— (A) apply the provisions of section 6323 of title 10, United States Code, to an officer with at least 15 but less than 20 years of service by substituting "at least 15 years" for "at least 20 years" in subsection (a) of that section. Additional Eligibility Requirement. In order to be eligible for retirement by reason of the authority provided in sub-section (b), a member of the Armed Forces shall— (1) register on the registry maintained under section 1143a(b) of title 10, United States Code (as added by section 4462(a); and (2) receive information regarding public and community service job opportunities from the Secretary of Defense or another source approved by the Secretary and be afforded, on request, counseling on such job opportunities.

Section 4464 (Increased Early Retirement Retired Pay for Public or community service). (a) Re-computation of Retired Pay.— (1) If a member or former member of the Armed Forces retired under section 4403(a) or any other provision of law authorizing retirement from the Armed Forces (other than for disability) before the completion of at least 20 years of active duty service (as computed under the applicable provision of law) is employed by a public service or community service organization listed on the registry maintained under section 1143a(c) of title 10, United States Code (as added by section 4462(a)), within the period of the member's enhanced retirement qualification period, the member's or former member's retired or retainer pay shall be recomputed effective on the first day of the first month beginning after the date on which the member or former member attains 62 years of age.

<sup>2</sup> Reference (c), implemented the Navy FY-94 early retirement/fleet reserve program for eligible officers and enlisted members. It is not an entitlement but a temporary early retirement authority (TERA). Authorized until 30 September 1995 to help facilitate personnel drawdown. Officer and Enlisted with at least 15 years active duty service between 1 October 1993 and 30 September 1994 may be eligible for TERA.

Any officer, regular or reserve on the Active Duty List with between 15 and 20 years of active duty, who is required to be separated for failure of selection for promotion to the next higher grade may apply for TERA. These officers must have over 15 years of service before the date on which they would be required by law to be involuntarily separated from active duty. Applications for retirement or transfer to the fleet reserve for the period of 1 October 1993 to September 1994 will be accepted from 1 July 1993 to until 1 June 1994. The latest date for retirement for officers will be 1 September 1994. Public law 102-190 provides the TERA retiree the opportunity to take a job in public or community service and accrue increased retirement credits for those years between early retirement and 20 years. All members taking early retirement must register for PACS, but are not required to accept employment. PACS registration can be accomplished at the nearest military transition site (normally the family service center). Verification of registration will be accomplished during check-out procedures. Members choosing to accept PACS employment after military retirement can earn credit for up to 20-year retirement pay. Credit is earned for PACS employment only between the separation date and the date the member would have normally reached 20 years military service. PACS employment retirement credit is paid beginning at age 62. The National Registry will contain jobs in the following categories: education, law enforcement, public health care, social services, public safety emergency relief, Public Housing, Conservation, and Environment.

<sup>3</sup> Reference (d), during retirement processing, the Military Services shall provide each retiree a copy of DD Form 2676, "Validation of Public or Community Service Employment," and explain the reporting requirements and procedures for enhanced retirement credit as described in this Instruction.

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for her employment with [REDACTED] Board of Health and Metro Health System. Although only the [REDACTED] Board of Health is listed in DMDC PACS master roster the Board felt that if Petitioner had been briefed properly on the procedures, Metro Health System could have been added to the DMDC PACS master roster in a timely manner.

#### RECOMMENDATION

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

Petitioner requested PACS registration and it was approved prior to effective date of transfer to Retired List under temporary early retirement authority (TERA) on 31 August 1994.

Petitioner became employed under the conditions specified in subsection 3.1 (DODI 1340.19), obtained certification of employment from the employing organization, and submitted a completed DD Form 2676 as follows; at the beginning of his qualifying periods of employment, at the end of his qualifying periods of employment, or the end of the enhanced retirement qualification period (whichever came first), and annually during a qualifying period of employment on the anniversary of the date of retirement.

Note: Navy Personnel Command will provide Defense Finance and Accounting Service (DFAS) with the date that Petitioner would have reached 20 years of service. DFAS will complete an audit of Petitioner's records to determine time credited for the periods of 29 August 1994 through 9 December 1995 and 11 December 1995 to 11 June 2001 or until Petitioner would have reached 20 years of service, and re-compute military retired pay and the SBP base amount. Furthermore, Defense Finance and Accounting Service (DFAS) will complete an audit of Petitioner's records to determine if Petitioner is due any back pay and allowances.

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.

2/6/2023

