

## **DEPARTMENT OF THE NAVY**

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

> Docket No. 9265-22 Ref: Signature Date

Dear

This 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 26 April 2023. 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

of 10 January 2023, 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 to reverse your decision to enroll in the Blended Retirement System (BRS). 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 Navy Administrative (NAVADMIN) message 217/16 released on 27 September 2016 announced the BRS for the Uniformed Services. NAVADMIN 302/17 released on 20 December 2017 and Military Personnel Manual Article 1810-080 dated 20 December 2017 published Navy guidance implementing the enrollment of BRS. These policies outlined eligibility, processing, service obligation, and reference information germane to enrolling into BRS. Specifically, the policies indicate the decision to opt-in the BRS or remain in the legacy retirement system is irrevocable.

A review of your record reflects you enlisted in the Naval Reserve on 26 July 2011 for a term of 8-years of which 4-years was an active duty obligation; this set your date initially entered into military service (DIEMS). Because your DIEMS was on or before 31 December 2017, you had the option to elect to irrevocably participate in either BRS no later than 31 December 2018 or remain in the legacy retirement system. You completed Leader Training to Introduce the BRS on 22 June 2017 and the BRS Opt-in Course on 5 November 2017. Thereafter, you elected to opt-in the BRS on 14 February 2018 acknowledging the decision to enroll was an irrevocable election.

The Board could not find, nor did you provide evidence to support your assertions. On the contrary, the Board determined your record indicates that you received adequate amount of training and time to make an informed decision before enrolling in the BRS, therefore, relief is not warranted. 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.

