



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

[REDACTED]  
Docket No. 59-23  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED] [REDACTED]  
[REDACTED] USMC

Ref: (a) Title 10 U.S.C. § 1552  
(b) MARADMIN 663/19 of 2 Dec 19

Encl: (1) DD Form 149 w/attachments  
(2) Advisory Opinion by HQMC memo 1070 MPO, 10 Jan 23  
(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], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 18 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. 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. Petitioner's Pay Entry Base Date (PEBD) is 4 November 2008, and he completed Blended Retirement System (BRS) Training (lecture method) on 25 January 2017 and BRS Notification Training on 21 February 2017. Petitioner enrolled into the BRS on 2 October 2018—last day eligible to elect CP was on 3 November 2020. Petitioner reenlisted on 11 February 2022 for a term of 4 years. Petitioner signed NAVMC 11905, Active Duty BRS CP Statement of Understanding on 15 January 2023 and elected lump sum payment.

b. In the advisory opinion, 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.

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## 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. Petitioner enrolled in the BRS in a timely manner but failed to make the election for CP in accordance with reference (b)<sup>1</sup> prior to passing the service deadline of 12 years. However, the Board concluded that Petitioner would not have opted to enroll into the BRS without the expectation of being eligible to receive CP. Therefore, the Board felt under this circumstance, relief is warranted.

## RECOMMENDATION

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

Petitioner, in coordination with his command completed the required Statement of Understanding prior to reaching 12 years of service and submitted it 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.

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.

1/20/2023

[REDACTED]

Deputy Director

[REDACTED]

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<sup>1</sup> Reference (b), 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. For the purpose of CP eligibility, 12 YOS is defined as 12 years and zero days of service as calculated from the Marine's PEBD. Additionally, the policy indicates Marines who reach 12 YOS in calendar year 2020 would receive notification of eligibility via Marine Online and email messages 180 days and 30 days before reaching 12 YOS.