



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. 117-23
Ref: Signature Date

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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 Headquarters, Marine Corps (MPO) of 20 January 2023, which was previously provided to you. You were afforded an opportunity to submit a rebuttal, but did not do so.

You requested to change your naval record to establish eligibility to opt-in to the Blended Retirement System (BRS) when you started service in the Marine Corps in September 2018 and retroactive matching to Thrift Savings Plan (TSP). The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that pursuant to Deputy Secretary of Defense Memorandum of 27 January 2017, Marine Corps Administrative (MARADMIN) message 662/17 was promulgated indicating, "Recruits and student officers with a Date of Original Entry Armed Forces (DOEAF) before 1 January 2018 are grandfathered into the legacy retirement system and are eligible to enroll into the BRS. They must make a decision to remain in the legacy retirement system or enroll into the BRS during calendar year 2018." Additionally, MARADMIN 662/17, further specified, "If they delay making an election decision, no BRS transaction shall be reported."

A review of your record reflects you reported to Officer Candidate School (OCS) on 10 September 2016 and discharged on 10 November 2016. Your DOEAF is 10 September 2016; which rendered you eligible to elect to irrevocably participate in either BRS no later than 31 December 2018 or remain in the legacy retirement system. You reported to ■ for the second time on 8 September 2018, and this set your Pay Entry Base Date; however, did not change your DOEAF. As a result, the Service opened a BRS election window from 17 September 2018 to 31 December 2018. Without receiving a BRS election, you correctly remained enrolled in the legacy retirement system. In 2018, BRS training during new accession pipeline training was conducted via the lecture method. The Board was unable to validate whether training was provided to you, or the accuracy of any training you may have received but noted that you did not claim receiving false or misleading information. The Board determined that you had two opportunities to be aware of your retirement status prior to 2023. During BRS training, via the lecture method, on 10 May 2019, whereby, the information contained in this training should have alerted you of your eligibility and option to choose between both retirement systems. Secondly, your TSP should have informed you of your enrollment in the legacy retirement system. 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.

Sincerely,

5/4/2023

