



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

█
Docket No. 161-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █ █ USMC

Ref: (a) Title 10 U.S.C. § 1552
(b) MARADMIN 575/17

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by HQMC memo 1070 MPO, 11 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 █, and █ 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 9 July 2006, and enrolled into the Blended Retirement System (BRS) on 2 January 2018—last day eligible to elect CP was on 8 July 2018.

b. Petitioner signed NAVMC 11905, Active Duty BRS CP Statement of Understanding on 5 January 2023 and elected lump sum payment.

c. 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. Petitioner's case indicates the existence of an injustice in his record that warrants the requested relief because he did not receive the required notice of eligibility for CP prior to his 12-year anniversary date.

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)¹ prior to passing the service deadline of 12 years. Petitioner may have been unaware of the deadline (i.e., 12 year anniversary date) to elect CP because of the programming error in 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 years of service.

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]

¹ Reference (b), BRS went into effect 1 January 2018. Marines with a Date of Original Entry Armed Forces on or before 31 December 2017 are grandfathered into the High-Three legacy retirement system. Beginning on 1 January 2018, Marines who are in the opt-in eligible population are authorized to enroll in the BRS. Marines who enroll in the BRS and later complete 12 years of service (YOS) may be eligible to receive a one-time CP payment in exchange for an agreement to serve four (4) additional years of obligated service. 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. In calendar year (CY) 2018, Marines enrolled in the BRS before completing 12 YOS and meeting the requirements are eligible for CP. Marines who enroll in the BRS after having completed 12 YOS will not be eligible for CP. Marines who will complete 12 YOS in CY 2018 have the entire calendar year to make a BRS opt-in decision. However, to qualify for CP, Marines must enroll in the BRS before completing 12 YOS. The effective date of a BRS opt-in decision is the date a Marine enters their decision in Marine Online or signs the BRS election form (to be used by exception in unusual circumstances).