



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

[REDACTED]
Docket No. 1621-23
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) Public Law 102-484 section 4403, 23 Oct 92
(c) DoDI 1340.19, 17 Nov 93
(d) NAVADMIN 294/97, 16 Dec 97

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 his 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 30 March 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. On 26 April 1982, Petitioner entered active duty.

b. Petitioner was transferred to the Fleet Reserve 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 15 March 1985 to 28 February 1999 upon having sufficient service for retirement.

c. On 18 July 2012, Commander, [REDACTED] notified Petitioner that under Title 10, U.S.C. section 6331, upon his completion of 30 years of active/inactive duty service or otherwise meeting eligibility requirements, the Secretary of the Navy authorized Petitioner's

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transfer to the Retired List of the Regular Navy/Navy Reserve. Per MILPERSMAN 1820-010, Petitioner was transferred to the Retired List effective 1 March 2012.

d. On 27 August 2022, Petitioner turned 62 years of age.

e. On 28 September 2022, Defense Finance and Accounting Service (DFAS) notified Petitioner that this letter is in response to his phone request dated March 5, 2019, they were unable to process Petitioner's request because he has no Qualified Public Service on file. Petitioner's community service (Qualified Public Service) would have to be reported to Defense Manpower Data Center (DMDC). Petitioner would have to complete community service (Qualified Public Service) prior to the date he would have accumulated 20 years for the computation of retired pay, which would be his Enhanced Retirement Qualification Date. The community service must be completed by the time Petitioner would have accumulated 20 years of service for the re-computation of the retired pay at age 62.

f. ██████████ County Sheriff's Office notified ██████████ that Petitioner was hired at the ██████████ County Sheriff's Office on January 28, 1999 as a Deputy Sheriff. Petitioner was promoted to Crime Scene Investigator, effective on January 1, 2006. Petitioner resigned from the ██████████ County Sheriff's Office on 4 December 2008 and accepted a position with the ██████████ Police Department. On October 13, 2015, Petitioner returned to the ██████████ County Sheriff's Office as a Part-time Reserve Deputy, was assigned to the Crime Scene Unit, Property Management Section, and is currently in the Active Reserve Deputy position.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of referenced (b) through (d)¹ and enclosure (2), the Board finds the existence of an

¹ Reference (b), section 4403 (TERA 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.

Reference (c), 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.

Reference (d), announced the availability of TERA for active duty USN enlisted sailors in certain ratings, rates, and years of service regardless of duty station. Training and administration of the reserve (TAR) personnel and naval reserve canvasser

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injustice warranting the following corrective action. The Board concluded that there is no evidence that Petitioner was counseled on the PACS program prior to his early retirement in accordance with reference (b). Furthermore, there is no evidence that Petitioner registered for PACS or that Petitioner completed DD Form 2676 as required in reference (c). However, the Board determined that Petitioner should be eligible to earn credit for his employment with [REDACTED] County Sheriff's Office. Although [REDACTED] County Sheriff's Office is not listed in DMDC PACS master roster, the Board felt that if Petitioner had been briefed properly on the procedures, it 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 early retirement under Temporary Early Retirement Authority (TERA) on 1 March 1999.

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: [REDACTED] will provide 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 period of 1 March 1999 until Petitioner would have reached 20 years of service, and re-compute military retired pay and the SBP base amount. Furthermore, DFAS will

recruiters will be addressed SEPCOR. For purpose of this message the term "retirement" is synonymous with "transfer to fleet reserve." TERA is one of several tools used to shape the Navy's manpower to changing requirements without compromising commitments to fleet readiness or the quality of our force. TERA offers early retirement at a reduced monthly payment to eligible enlisted sailors with at least 15, but less than 20 years of active service. Since it is not an entitlement, not all applications will be approved. Therefore, approval will be based on a number of qualifying factors outlined in this message. Factors considered include fleet readiness, the ability to provide a timely relief, NEC manning levels, completion of department of defense or minimum activity tour. Number of requests previously approved for that year, and compelling humanitarian issues.

Applications for TERA retirements will be accepted from 1 January 1998 until 1 April 1998. Applications arriving after the application deadline will not be considered without special justification. Applicants must request retirement dates between 31 October 1998 to 31 March 1999. Priority for approval will be given to those eligible sailors requesting a retirement date early in the fiscal year (particularly 31 October 1998, 30 November 1998, and 31 December 1998).

TERA retirees are required to 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). Deployed sailors and those without access to an FSCH-Transition office can send applications to their nearest homeport FSC. Verification of registration will be accomplished during check-out procedures. Those choosing to accept PACS employment after military retirement can earn credit for up to 20 years retirement pay. Credit is earned for PACS employment only between retirement date and the date the member would normally have reached 20 years of military service. For example, a member retiring at 16 years has the next 4 years to earn retirement credit from PACS employment. Members who begin PACS employment the day following retirement date will obtain maximum retirement credit. PACS employment retirement credit is paid beginning at age 62. The national registry contains jobs in the following categories: education, law enforcement, public health care, social services, public safety, emergency relief, public housing, and conservation and environment.

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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.

4/3/2023

