



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

■  
Docket No. 2128-23  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN, [REDACTED]

Ref: (a) Title 10 U.S.C. § 1552  
(b) MILPERSMAN 1810-080

Encl: (1) DD Form 149 w/attachments  
(2) Advisory opinion by OCNO N130G, 16 Mar 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 reflect retroactive enrollment into the Blended Retirement System (BRS) with retroactive matching contributions to his Thrift Savings Plan.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 12 April 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. On 9 August 2017, Petitioner enlisted in the Navy under the delayed entry program; establishing his date initially entered into military service.
- b. On 5 June 2018, Petitioner entered active duty.
- c. Petitioner was eligible to opt-into the BRS from 12 June 2018 to 31 December 2018.
- d. Petitioner completed the required BRS Opt-In Course on 10 August 2018.
- e. On 1 January 2019, Petitioner remained enrolled in the legacy retirement plan (High-3) due to not making an election to opt into the BRS.
- f. 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

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has merit and warrants partial favorable action. Petitioner concurred with the advisory opinion on 1 April 2023.

## 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. In accordance with reference (b), Petitioner met the eligibility criteria to enroll in the BRS but failed to complete the election process during the BRS election window from 12 June 2018 through 31 December 2018. The Board determined that Petitioner might have received inadequate counseling to make an election during the aforementioned period. However, the Board noted Petitioner enrolled in TSP and has had the ability to review his leave and earning statements to identify which retirement plan he was enrolled in. Therefore, the Board concluded Petitioner bears some responsibility for not receiving the full benefit of TSP matching under the BRS. Although Petitioner did not complete the proper administrative requirements, the Board felt that under these circumstances, partial relief is warranted.

## RECOMMENDATION

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

Petitioner is authorized to opt into BRS within 30-days of receiving this decision document. Note: Petitioner is directed to contact MyNavy Career Center for assistance with opting into BRS within 30-days of receiving this decision document.

The part of the Petitioner's request for corrective action that exceeds the foregoing is denied. Petitioner failed to provide evidence to support his untimely claim. Consequently, backdated BRS enrollment with associated TSP matching is not authorized

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.

4/21/2023

