



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

█
Docket No. 5308-23
Ref: Signature Date

█
█
█

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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 29 February 2024. 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 considered the advisory opinion contained in Officer of the Chief of Naval Operations memorandum 7220 Ser N130/23U987 of 9 August 2023, which was previously provided to you for comment.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You requested reinstatement to the High-3 retirement plan as you were unknowingly switched to the Blended Retirement System (BRS). The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that Navy Administrative (NAVADMIN) message 217/16 released on 27 September 2016 announced the BRS for the Uniformed Services. NAVADMIN 302/17 released on 20 December 2017 and Military Personnel Manual Article 1810-080 dated 20 December 2017 published Navy guidance implementing the enrollment of BRS. These policies outlined eligibility, processing, service obligation, and reference information germane to

enrolling into BRS. Specifically, the policies indicate the decision to opt-into the BRS or remain in the legacy retirement system is irrevocable.

A review of your record reflects you served on active duty from 9 September 2009 to 8 September 2013. Upon release from active duty, you transferred to the Individual Ready Reserve effective 9 September 2013 to complete your military service obligation. On 10 October 2015 you affiliated with a Selected Reserve unit. Navy Standard Integrated Personnel System indicates that you opted into BRS on 22 February 2018. On 30 July 2018, you returned to active duty, elected BRS Continuation Pay (CP) on 27 May 2021, and received the CP lump sum payment on 9 September 2021. In this connection, the Board substantially concurred with the comments contained in the advisory opinion and determined that a change to your record is not warranted.

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,

3/20/2024

