



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

██████████
Docket No. 5466-23
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.

A three-member panel of the Board, sitting in executive session, considered your application on 27 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 Office ██████████ ██████████ memorandum 7220 Ser ██████████/23U910 of 25 July 2023, which was previously provided to you for comment.

You requested to establish eligibility to elect Blended Retirement System (BRS), back pay for BRS contributions and matching since commissioning. 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 the announcement of the BRS for the uniformed services initially promulgated via Navy Administration (NAVADMIM) message 217/16. Thereafter, several NAVADMIN messages, training courses, and Military Personnel Manual Article (MILPERSMAN) 1810-080 were released outlining eligibility, processing, and reference information germane to enrolling in the BRS. The policies specified active component members with less than 12 years of service as of 31 December 2017 had the choice to stay in the legacy retirement system or opt-in to the BRS. The election window for opt-in eligible members was 1 January 2018 through 31 December 2018 and enrollment could only be accomplished on the myPay website after completing the BRS mandatory opt-in training. MILPERSMAN 1810-080, provides a 30-day extension period to enroll for those eligible to opt-in to the BRS but unable to enroll during the aforementioned election period. Specifically, United States Naval Academy

(USNA) Midshipman who are eligible to opt-in to the BRS and have a commissioning or enlistment date on or after 1 December 2018 receive an automatic extension of 30 days to make an election. The election to remain in the legacy retirement system or enroll in BRS is irrevocable.

A review of your record reflects your Date Initially Entered Military Service as 1 July 2015. You attended the ██████████ until commissioning on 24 May 2019 and entered active duty. Your BRS opt-in election window was open from 4 June 2019 to 9 July 2019. On 24 May 2023, you completed the Joint Knowledge Online BRS Opt-in training; 4 years after your eligibility to enroll in the BRS. The Board could not find, nor did you provide evidence of receiving improper counseling or system constraints that prevented you from completing the BRS mandatory opt-in training and/or enrolling in the BRS within your election window. In this connection, the Board concurred with the comments contained in the advisory opinion that, “there was no error on behalf of the Navy or injustice to the member due. The member could have opted in to BRS via NSIPS within the allotted timeframe. Additionally, the member could have reached out to this office or BCNR two years earlier to correct this issue.” Therefore, the Board 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,

3/6/2024

