



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

■
Docket No. 6715-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ■■■■■■ USN, ■■■■■■

Ref: (a) Title 10 U.S.C. § 1552
(b) MILPERSMAN 1810-080
(c) PL 114-92 § 631(a)

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by OPNAV N130G, 22 Aug 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 her naval record be corrected to reflect retroactive enrollment into the Blended Retirement System (BRS) with retroactive matching Thrift Savings Plan (TSP).

2. The Board, consisting of ■■■■■■, and ■■■■■■ reviewed Petitioner's allegations of error and injustice on 11 October 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, she exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 7 September 2017, Petitioner enlisted in the Delayed Entry Program of the U. S. Navy for 8 years, setting Petitioner's date initially entered military service and entered active duty on 3 July 2018.

b. Petitioner's first day to elect to opt-in to the BRS was on 12 July 2018 and on 1 September 2018, Petitioner completed BRS (retirement system training). Petitioner's last day to elect to opt-in to the BRS was on 31 December 2018. On 15 September 2022, Petitioner completed BRS opt-in training.

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 partial favorable action. Petitioner was provided the advisory opinion on 6 September 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),¹ Petitioner met the eligibility criteria to enroll in the BRS but failed to complete the election process during the BRS election window from 12 July 2018 to 31 December 2018. The Board noted that Petitioner entered active duty at the beginning of BRS implementation and election windows. The Board determined it is reasonable that an individual new to the service would not have a clear understanding of their date initially entered military service. However, retroactive TSP contributions prior to a voluntary election to opt-in to the BRS is not authorized in accordance with reference (c).² Although Petitioner did not complete the proper administrative requirements, the Board determined under these circumstances, partial relief is warranted.

RECOMMENDATION

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

Petitioner is authorized to irrevocably opt into BRS within 45 days of receiving this decision document. Note: Petitioner is directed to contact MyNavy Career Center for assistance with opting into BRS within 45 days of receiving this decision document.

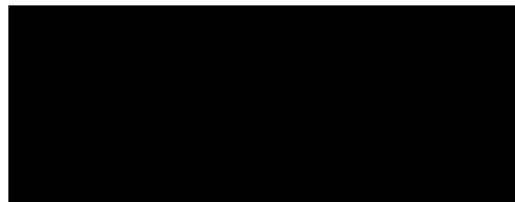
The part of the Petitioner's request for corrective action that exceeds the foregoing is denied in accordance with reference (c).

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.

10/20/2023



¹ Reference (b), the Navy implemented BRS guidance and indicated, "All Navy members who initially entered into military or uniformed serve on or before 31 December 2017 are grandfathered under their legacy retirement plan and will not be enrolled in the BRS without making the election to opt-in." However, the Secretary of the Navy has the authority to extend the election time period for enrollment in the BRS for a member of the Navy who were eligible to opt-in to the BRS and was unable to enroll in BRS during the election period.

² Reference (c), specifies, TSP contributions may not be made for a member making an election to opt-in to the BRS for any period beginning before the date of the member's election by reason of the member's election.