

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 September 2024

DOCKET NUMBER: AR20240000466

APPLICANT REQUESTS: correction of his records to show he received service credit for 20-years of service and adjustment of his retired pay under the Temporary Early Retirement Authority (TERA) Public and Community Service (PACS) Program at age 62.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Certificate of Release or Discharge from Active Duty)
- SF 50-B (Notification of Personnel Action) for employment
- SF 50 for voluntary retirement
- TERA PACS article

FACTS:

1. The applicant states, he was retired from active duty under TERA and placed on the retired list on 1 July 1998. Immediately after, he entered into civil service as a Correction Officer with the Federal Bureau of Prisons with an appointment date of 5 July 1998 from which he retired on 31 July 2018. He requests two-years of service be added to his military retirement under the TERA PACS program for a total of 20-years of active Federal service towards his military retirement.

2. A review of the applicant's service record shows:

a. On 1 July 1980, the applicant enlisted in the Regular Army had continuous service until his early retirement.

b. On 13 March 1998, Orders Number 072-0009, issued by Headquarters, 25th Infantry Division (Light) and U.S. Army Hawaii, the applicant was placed on the retired list, effective 1 July 1998 with 18-years of service.

c. On 30 June 1998, the applicant was honorably retired from active duty and assigned to the U.S. Army Reserve Control Group (Retired Reserve). DD Form 214 shows the applicant completed 18-years of service. It also shows in item 18 (Remarks):

Member is retiring as provided by National Defense Authorization Act (NDAA), section 4403 of Fiscal Year 1993 (Public Law 102-484) and may qualify for a re-computation of retired pay at age 62.

d. The applicant would have reached 20-years of active Federal service if he remained in the service on 30 June 2000. The applicant turn age 62 on 13 May 202X.

3. The applicant provides:

a. SF 50-B which shows on 5 July 1998 he was appointed as a Correctional Officer with the Bureau of Prisons in the General Services (GS) pay plan in occupational code 0007 at grade 06 step 01.

b. SF 50 which shows on 31 July 2018, he was voluntarily retired as a Supervisory Correctional Officer in the GS pay plan, occupation code of 0007, grade 11, step 9.

c. TERA PACS article states the program allows TERA retirees to apply some of their post-retirement employment with certain pre-approved employers towards their military retirement starting at age 62. PACS credit was authorized up to the time the retiree would have met 20-years of military service had they remained on active duty.

4. On 5 August 2024, in the processing of this case, the Office of the Deputy Chief of Staff G-1 provided an advisory opinion regarding the applicant's request for the re-computation of his retired pay under TERA PACS. The advisory official recommended disapproval of the applicant's request. The procedures for reporting and computing the enhanced retirement credit are computed based on the Department of Defense Form 2676 (Validation of Public or Community Service Employment) which the applicant did not provide. He will need to provide a completed DD Form 2676 to the Office of the Deputy Chief of Staff G-1. He retired under TERA on 30 June 1998 with a total of 18-years of active Federal service. If the applicant's employment is verified as currently reflected on the Certification of Service form when he applies, the Enhanced Retirement Qualification Period will be adjusted accordingly.

5. On 14 August 2024, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment. The applicant has not responded.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive review based on law, policy, and regulation.

Upon review of the applicant's petition and available military records, the Board reviewed and concurred with the Program Analyst for the Compensation and Entitlements Division for the Office of the Deputy Chief of Staff G-1 finding the applicant has not provided the appropriate documentation as required for the G-1 to process his request. He retired from the Army under Temporary Early Retirement Authority on 30 June 1998, with a total of 18 years of active federal service. When the applicant submits the application with the required DD Form 2676, if his employment is verified, his qualification period will be adjusted accordingly. Therefore, the Board denied relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Public Law 102-484 (National Defense Authorization Act for FY 1993), provided the Secretary of Defense with a temporary additional force management tool to assist with the drawdown of active military forces. Subsection 4403(f) of the Act directed the use of a subaccount within the officer and enlisted budget activities of the Active Military Personnel appropriation for retirement payments to members participating in the TERA program.

2. Department of Defense Instruction (DODI) 1332.37 (Program to Encourage Public and Community Service Employment), in effect at the time, encourage and assist separating service members, Service members retiring with 20 or more years of service, DOD civilian personnel leaving the Government, and spouses to enter public and community service employment. Encourage and assist Service members requesting retirement with fewer than 20-years of service to register for public and community service employment.

a. Paragraph 4.2, Service members determined to be eligible by the Secretary of their military department for, and who do request retirement with fewer than 20-years of service are required by Public Law 102-484, Section 4403 to register for public and community service employment. This registration normally shall take place not earlier than 9- days before retirement or terminal/transition leave. In order to have their military retired pay and Survivor Benefit Plan base amount (if applicable) recomputed in accordance with DODI 1340.19, early retirees must be employed with a DOD registered public and community service organization that provides the services.

b. Paragraph 6.3.5, DOD approved PACS employment qualifies the Service member who is retired under Public Law 102-484, Section 4403 or Public Law 103-160 for increased retired pay 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. The former service member must have worked in DOD approved PACS employment between the date of early retirement and the date in which he or she would have attained 20-years of creditable service for computing retired pay and have retired on or after 23 October 1992 and before 1 October 1999.

c. Paragraph E1.1.4, Public and Community Service Organization. Government or private organizations that provide or coordinate the provision of the following services:

- Elementary, secondary, or post-secondary school teaching
- Administration
- Support of teachers or school administrators
- Law enforcement
- Public healthcare
- Social services

- Public safety
- Emergency relief
- Public housing
- Conservation
- Environment
- Job training
- Work in a Federal, state or local government organization in which provides or coordinates services listed above
- Other PACS consistent with or related to services listed above

d. Retirees were required to document their employment using DD Form 2676 (Validation for Public or Community Service) and submit the form to the Defense Manpower Data Center (DMDC). The timeline to submit PACS applications to the DMDC ended 1-year to the day after the member's ERQP expired. DMDC is no longer authorized to accept any new PACS applications. The program officially expired in August 2008 (1-year after the last official TERA recipient's ERQP expired).

3. DoDI 1340.19 (Certification of Public and Community Service Employment of Military Retirees) dated 17 November 93, states It is DoD policy that a retiree shall receive military service credit for all qualifying periods of employment during the enhanced retirement qualification period. 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. All reporting shall be completed by the retiree within one year of the end of the enhanced retirement qualification period.

//NOTHING FOLLOWS//