



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

██████████
Docket No. 4762-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████
XXX XX ██████████ USMC

Ref: (a) Title 10 U.S.C. § 1552
(b) MCBul 1800
(c) MARADMIN 662/17
(d) MARADMIN 611/18

Encl: (1) DD Form 149
(2) MCTFS Basic Individual Record
(3) MCTFS Chronological Record
(4) MCTFS Education Record
(5) Petitioner's NAVMC 11907
(6) MCTFS Blended Retirement Eligibility Election
(7) Advisory Opinion by HQMC memo 1070 MPO of 3 Sep 21
(8) MPO email of 15 Dec 21

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 establish eligibility to elect Blended Retirement System (BRS) effective 17 December 2019.
2. The Board, reviewed Petitioner's allegations of error and injustice on 23 February 2022, 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 enclosures (1) through (8), relevant portions of Petitioner's naval records, 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. References (b) and (c) announced the opening of the election period for the BRS. The BRS enrollment period began on 1 January 2018 through 31 December 2018. During this period, all BRS eligible Marines were required to make a decision to either remain in the legacy retirement system or enroll into the BRS. BRS opt-in training was required and the training had

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
XXX XX [REDACTED] USMC

to be recorded in the Marine Corps Total Force System before making an election decision. Additionally, reference (c) further outlined that student officers at The Basic School with a Date of Original Entry Armed Forces (DOEAF) before 1 January 2018 were grandfathered into the legacy retirement system and eligible to enroll in BRS.

b. In accordance with reference (c), the enrollment period to enroll in BRS may be extended for Marines who were unable to make an election prior to 31 December 2018 due to a verifiable hardship. Hardship is defined as not having a reasonable opportunity to enroll into BRS due to circumstances beyond the Marine's control.

c. Petitioner's DOEAF was 4 November 2014. See enclosure (2).

d. Petitioner reported to [REDACTED] as a student on 24 September 2018. See enclosure (3).

e. Petitioner completed BRS training on 11 January 2019. See enclosure (4).

f. Petitioner reported to [REDACTED] as a student on 28 April 2019. See enclosure (3).

g. Petitioner signed NAVMC 11907, Blended Retirement System Election Form on an unknown date; however, the form was signed and witnessed on 17 December 2019. See enclosure (5).

h. Petitioner reported to [REDACTED] as a student on 19 February 2021. See enclosure (3).

i. Headquarters Marine Corps (HQMC), Manpower and Reserve Affairs (M&RA) (MPO) approved Petitioner's BRS enrollment effective 25 June 2021. See enclosures (5) and (6).

j. On 3 September 2021, HQMC, M&RA (MPO) provided a favorable advisory opinion to enclosure (1) recommending retroactive enrollment into BRS effective the Statement of Understanding witness date of 17 December 2019. See enclosure (7).

k. On 15 December 2021, HQMC, M&RA (MPO) revised the advisory opinion provided in enclosure (7) and recommended retroactive enrollment into BRS effective 7 May 2020 vice 17 December 2019 based on the hardship approvals of the other 48 officers affected in the same manner. See enclosure (8).

BOARD CONCLUSION

Upon review and consideration of all the evidence of record, and in light of the contents of enclosure (7) but despite the revised recommendation of enclosure (8), the Board finds the existence of an injustice warranting the following corrective action. In this regard, the Board unanimously concluded the proper administrative requirements were not completed and the Petitioner did not receive adequate counseling on enrolling in BRS while in a training status.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
XXX XX [REDACTED] USMC

Moreover, the Board felt there was mismanagement in the processing of Petitioner's election to enroll in BRS; therefore, under these circumstances, relief is warranted.

BOARD RECOMMENDATION

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

On 25 June 2021, HQMC, M&RA (MPO) approved Petitioner's NAVMC 11907, Blended Retirement System (BRS) Election Form with an effective date of "17 December 2019" vice "25 June 2021".

Note: Defense Finance and Accounting Service will complete an audit of Petitioner's pay records to ensure government-matching contributions effective 17 December 2019.

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. The foregoing action of the Board is submitted for your review and action.

3/15//2022

[REDACTED]

Executive Director

From: Assistant General Counsel (Manpower and Reserve Affairs)

Reviewed and Approved Board Recommendation (Grant Relief)

Reviewed and Approved Advisory Opinion Recommendation (Partial Relief)

Reviewed and Approved (Deny Relief)

3/30/2022

[REDACTED]

Assistant General Counsel (M&RA)

Signed by: [REDACTED]