



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

█
Docket No. 8337-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █ USN, XXX-XX-█

Ref: (a) Title 10 U.S.C. § 1552
(b) MILPERSMAN 1810-080¹
(c) PL 114-92 § 631(a)

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by OPNAV Ser N130/23U1205, 11 Oct 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 his naval record be corrected to reflect retroactive enrollment into the Blended Retirement System (BRS) effective 1 July 2020 with retroactive matching Thrift Savings Plan (TSP).

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 19 March 2024 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, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 27 June 2016, Petitioner accepted a reserve commission, which established his date initially entered into military service (DIEMS), and accepted a regular commission on 1 June 2020. On 25 July 2020, Petitioner reported to █ for temporary duty.

b. On 11 August 2020, Petitioner's BRS election window opened.

c. On 27 August 2020, Petitioner detached OTC and reported to N █
█ on 1 September 2020 for duty under instruction.

d. On 15 September 2020, Petitioner's BRS opt-in election window closed.

¹ Reference (b) implemented Navy BRS guidance and indicated, "All Navy members who initially entered into military or uniformed service 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 is eligible to opt-in to the BRS and was unable to enroll in BRS during the election period.

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e. On 19 September 2021, Petitioner detached N [REDACTED] on 27 September 2021 for duty.

f. 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.

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. Petitioner initially entered military service prior to 31 December 2017 under a Reserve commission. Petitioner then accepted a regular commissioned on 1 June 2020 and entered active duty on 24 July 2020. The Board concluded it is reasonable that an individual new to active duty service would not have a clear understanding of their DIEMS. 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 that under this circumstance, 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.

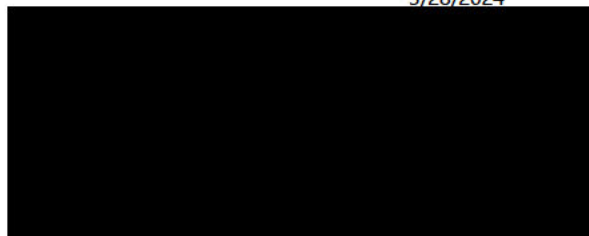
The part of the Petitioner's request for corrective action that exceeds the foregoing is denied in accordance with reference (c).

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.

3/28/2024



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.