

DEPARTMENT OF THE NAVY

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

> Docket No. 10064-23 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 7 August 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 of the Chief of Naval Operations memorandum 7220 Ser N130/23U1369 of 2 December 2023, which was previously provided to you for comment.

You requested to establish entitlement to Continuation Pay (CP). The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that you did not meet the eligibility criteria to receive CP in accordance with Military Personnel Manual Article 1810-081 and Navy Administrative (NAVADMIN) message 132/19. Specifically, the policies indicate Sailors who enrolled in Blended Retirement System (BRS) are eligible to receive mid-career CP at 12 years of service (YOS) in exchange for an agreement to serve four additional years of obligated service, to run concurrent with any existing service obligation. For the purpose of CP eligibility, 12 YOS is computed from the member's Pay Entry Base Date (PEBD). Additionally, NAVADMIN 132/19 directed Sailors to provide Navy Standard Integrated Personnel System (NSIPS) with an up-to-date email address to receive email notifications of eligibility. Sailors that were unable to elect CP through NSIPS could have manually elected CP through their Command Career Counselor.

A review of you record reflects you enlisted in the Naval Reserve for 2 years to participate in the Naval Academy Preparatory School on 9 June 2004. On 22 May 2009, you accepted a regular commission, after your graduation from the U.S. Naval Academy, and your PEBD was set to 2 May 2008. On 1 November 2017, you completed the BRS Opt-in training (J3OP-US1332), on 13 November 2017, you completed the Leader BRS training (J3OP-US1330), and on 1 January 2018, your opted-into the BRS. Your CP election window opened on 2 November 2019 and you were provided service CP eligibility notifications to ________, with the last email being sent on 2 April 2020. Your last day to elect CP was on 2 May 2020. The Board could not find, nor did you provide sufficient evidence to justify not making an election during your CP election window. Therefore in this connection, the Board substantially concurred with the comments contained in the advisory opinion, and determined 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.

