

DEPARTMENT OF THE NAVY

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

> Docket No. 1029-24 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 13 March 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 the Office of the Chief of Naval Operations memorandum 7220 Ser/N130/24U128 of 6 February 2024, which was previously provided to you for comment.

You requested to establish eligibility to elect Blended Retirement System (BRS). The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that the announcement of the BRS for the uniformed services initially promulgated via Navy Administration (NAVADMIM) message 217/16. Thereafter, several NAVADMIN messages, training courses, and Military Personnel Manual Article (MILPERSMAN) 1810-080 were released outlining eligibility, processing, and reference information germane to enrolling in the BRS. The policies specified all Navy members who initially entered into military or uniformed services on or before 31 December 2017 are grandfathered under their legacy retirement plan and will not be enrolled in the BRS without making an election to opt-in. The election window for opt-in eligible members was 1 January 2018 through 31 December 2018 and enrollment could only be accomplished on the myPay website after completing the BRS mandatory opt-in training. However, MILPERSMAN 1810-080, provides a 30-day extension period to enroll for those eligible to opt-in to the BRS but unable to enroll during the aforementioned election period. The election to remain in the legacy retirement system or enroll in BRS is irrevocable.

A review of your record reflects you accepted a Reserve commission on 11 May 2015 to participate in the Armed Forces Health Professionals Scholarship Program. On 20 May 2019, you accepted a regular commission and entered active duty on 1 June 2019. Due to your eligibility to elect to opt-in to the BRS, the Service opened your BRS election window on 25 June 2019. You completed The Uniformed Services BRS: Your Retirement System training on 5 July 2019 prior to your last day eligible to elect BRS on 30 July 2019. Because you failed to make an election to enroll in the BRS during the aforementioned period, you remained grandfathered under the legacy retirement system. Your request to resign your commission was approved and you were issued BUPERS Order: 3553 (Official Separation Orders) on 21 December 2023 to resign effective no later than 30 June 2024.

The Board could not find, nor did you provide evidence of receiving improper counseling or system constraints that prevented you from enrolling in the BRS within your election window. The Board found your request for correction to enroll in BRS was untimely. Moreover, the Board determined that you received adequate training and references available to you to make an informed decision to enroll in the BRS during your election window of 25 June 2019 to 30 July 2019. In this connection, the Board substantially concurred with the comments contained in the advisory opinion that 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.

