



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

■
Docket No. 1051-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USNR,
XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) MILPERSMAN 1810-081
(c) NAVADMIN 132/19

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by OPNAV (N130), 14 Feb 24
(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 establish entitlement to Continuation Pay (CP).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 4 September 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:

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. In accordance with reference (b), Service Members who enrolled in Blended Retirement System (BRS) are eligible to receive mid-career CP at 12 years of serve (YOS) in exchange for an agreement to service 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). Reference (c) specified that for service member's that provided Navy Standard Integrated Personnel System (NSIPS) with an up-to date email address,

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NSIPS would send email notifications of CP eligibility at 11 years 6 months YOS, 11 years 9 months YOS and final reminder at 11 years 11 months YOS. Service members who were unable to elect CP through NSIPS could have manually elected CP through their Command Career Counselors.

b. Petitioner's PEBD is 1 October 2008.

c. Petitioner completed the BRS Opt-in Training (J3OP-US1332) on 25 February 2017.

d. Petitioner elected to opt-in to the BRS on 7 January 2018.

e. Petitioner's CP election window was from 1 April 2020 to 30 September 2020.

f. Petitioner was involuntarily extended on active duty due to a legal investigation from 9 June 2021 through 2 June 2023 after Navy Personnel Command (NPC) (PERS-832) found no legal action was required to be taken against Petitioner. Petitioner signed the required NAVPERS 1070/613, Administrative Remarks, for the involuntary legal hold status on 9 June 2021, 26 October 2021, 13 December 2021, 6 May 2022, 28 November 2022, and 21 April 2023.

g. On 31 August 2023, Petitioner reenlisted for 4 years.

h. In correspondence 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 favorable action.

i. On 21 August 2024, Petitioner acknowledged CP eligibility date as 1 October 2020, CP obligated service requirements outlined in reference (b), and elected lump-sum payment.

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 was on legal hold awaiting the results of a Navy Criminal Investigative Service investigation, making Petitioner's ability to serve the required 4-year active duty service obligation uncertain. Although the proper administrative processes were not followed, the Board determined Petitioner demonstrated his intent to elect CP under the BRS, by reenlisting for the required 4 years of obligated service immediately following Petitioner's release from his involuntary legal hold status. Therefore, the Board determined that under these circumstances, relief is warranted.

RECOMMENDATION

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

Petitioner in coordination with his command completed the required Continuation Pay NAVPERS 1070/613, Administrative Remarks prior to reaching 12 YOS and submitted it to

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Commander, Navy Personnel Command for inclusion in the Petitioner's Official Military Personnel File.

Commander, Navy Personnel Command (PERS-8) validated Petitioner's CP eligibility and released CP authorization to the Defense Finance and Accounting Service (DFAS). Note: The DFAS will complete an audit of Petitioner's pay records to determine amounts due, if any.

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 titled 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.

[REDACTED]

Deputy Director

Signed by: [REDACTED]