

DEPARTMENT OF THE NAVY

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

> Docket No. 1119-24 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 4 September 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 Headquarters, United States Marine Corps memorandum 1070/MPO of 1 April 2024, which was previously provided to you for comment.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You requested to change your naval record to reflect you elected to opt-into the Blended Retirement System (BRS) and to receive the 5% government matching into your Thrift Savings Plan. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. 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 Marine Administration (MARADMIM) message 644/16. Thereafter, several MARADMIN messages, training courses, and Marine Corps Bulletin 1800 were released outlining eligibility, processing, and reference information germane to enrolling in the BRS. The election to remain in the legacy retirement system or enroll in BRS is irrevocable. These policies

specified all Marines who have a Date Entered Armed Forces (DEAF) on or before 31 December 2017, remain covered by the legacy retirement plan. However, active component members with less than 12 years of service as of 31 December 2017 had the choice to stay in the legacy retirement system or opt-into the BRS. The election window for opt-in eligible members was 1 January 2018 through 31 December 2018 and enrollment could only be accomplished via Marine Online after completing the BRS mandatory opt-in training. Additionally, MARADMIN 611/18 indicated that a 30 calendar day enrollment extension may have been granted to BRS eligible Marine officers commissioned through the Officer Candidate Course with a commissioning date on or after 1 December 2018. Marines were required to request enrollment extension by submitting an Administrative Action form to Manpower and Reserve Affairs (MPO) through their first general officer in the chain of command. This policy was also incorporated in the McBul 1800 dated 25 June 2019.

A review of your record reflects you enlisted in the Marine Corps Reserve on 13 October 2017 as an officer candidate, which established your DEAF, thereby grandfathering you in the legacy retirement plan unless you chose to make the irrevocable election to opt-into the BRS. You entered active duty on 5 January 2019, and the service opened your BRS election window from 10 January 2019 through 31 December 2021. On 15 March 2023, you were released from active duty and transferred to the Individual Ready Reserve.

The Board could not find, nor did you provide evidence of receiving improper counseling or system constraints that prevented you from completing the BRS mandatory opt-in training and/or enrolling in the BRS within your election window. Moreover, the Board found your request for corrective action untimely. Therefore, in this connection, the Board substantially concurred with the comments contained in the aforementioned advisory opinion and determined 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.

