

DEPARTMENT OF THE NAVY

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

> Docket No. 2791-24 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 3 October 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 accordance with Public Law 102-484 sections 4403 and 4464 of 23 October 1992, section 4403 (Temporary Early Retirement Authority). The purpose of this section is to provide the Secretary of Defense a temporary additional force management tool with which to effect the drawdown of military forces through 1995. During the active force drawdown period, the Secretary of the Navy may— (A) apply the provisions of section 6323 of title 10, United States Code, to an officer with at least 15 but less than 20 years of service by substituting "at least 15 years" for "at least 20 years" in subsection (a) of that section. Additional Eligibility Requirement. In order to be eligible for retirement by reason of the authority provided in subsection (b), a member of the Armed Forces shall— (1) register on the registry maintained under section 1143a(b) of title 10, United States Code (as added by section 4462(a); and (2) receive information regarding public and community service (PACS) job opportunities from the Secretary of Defense or another source approved by the Secretary and be afforded, on request, counseling on such job opportunities.

Section 4464 (Increased Early Retirement Retired Pay for Public or community service). (a) Re-computation of Retired Pay.—(1) If a member or former member of the Armed Forces retired under section 4403(a) or any other provision of law authorizing retirement from the

Armed Forces (other than for disability) before the completion of at least 20 years of active duty service (as computed under the applicable provision of law) is employed by a public service or community service organization listed on the registry maintained under section 1143a(c) of title 10, United States Code (as added by section 4462(a)), within the period of the member's enhanced retirement qualification period, the member's or former member's retired or retainer pay shall be recomputed effective on the first day of the first month beginning after the date on which the member or former member attains 62 years of age.

In accordance with DoDI 1340.19 of 17 November 1993, during retirement processing, the Military Services shall provide each retiree a copy of DD Form 2676, Validation of Public or Community Service Employment, and explain the reporting requirements and procedures for enhanced retirement credit as described in this Instruction.

In accordance with NAVADMIN 240-94 of 19 December 1994, this NAVADMIN implements the FY96 Enlisted Temporary Early Retirement Program and applies to all active-duty USN Sailors.

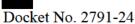
Applications for the FY96 Temporary Early Retirement Authority (TERA) (for the period of 1 OCT 1995 to 30 Sep 1996) will be accepted from the DTG of this message until 18 FEB 95.

All TERA retirees are required by public law to register for PACS, but they are not required to accept employment. PACS registration can be done at the nearest Military Transition Site-USUALLY, A navy family service center (FSC). (Members who do not have access to a Military Transition Site can request PACS applications from PERS-27. Completed PACS applications should be sent to their homeport FSC or nearest Military Transition Site.) Those who accept PACS employment after military retirement can earn credit for up to 20 years' retirement pay, but only for the period between their separation date and the date 20 YOS would normally have been reached.

On 30 March 1995, BUPERS REENL MGMT (PERS 27), Washington, DC notified that, "[s]ubject members Transfer to Fleet Reserve is authorized effective 960630...Service for transfer 15 YRS 05 MOS 10 DAS...Note: Do not retire service member until registration for PACS is completed by law, all TERA retirees are required to register for PACS prior to retirement but are not required to accept employment if service member refuses to enroll on the PACS registry advise PERS-27 and the authorization for retirement will be cancelled."

You were transferred to the Fleet Reserve with an honorable character of service and were issued a DD Form 214, Certificate of Release or Discharge from Active Duty for the period of 1 August 1989 to 30 June 1996 due to Early Retirement (15 years).

Operation Transition PACS Employer Database (No updates beyond February 2009) did not list the ______.



On 31 August 2020, Validation of Public or Community Service Employment (DD Form 2676) was issued and signed by the director of employment (certified that, "I certify that the information provided is true, accurate, and complete. I acknowledge That any false statement may be punishable pursuant to Section 1001 of Title 18. U.S.C., I authorize release of the information to the Defense Finance Accounting Service or the Coast Guard Human Rnsourr.es Service and Information Center." On 18 January 2023, you turned 62 years of age. notified To Whom It May Concern that On 29 August 2024, "[p]lease accept this letter as verification that [you were] employed at from 3/24/1997 to 3/23/2021." You requested to be credited under PACS for your employment at and that your retired pay be recalculated, the Board in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that you submitted DD Form 2676 numerous times in the past to various departments including DFAS. However, the Board concluded that on 30 March 1995, BUPERS REENL MGMT (PERS 27), Washington, DC notified that your transfer to Fleet Reserve was authorized effective 30 June 1996. Furthermore, they were informed that by law, you were required to register with PACS and that if you refused, your authorization for

nor did you provide any, that you registered for PACS prior to your retirement. Furthermore, is not listed in Operation Transition PACS Employer Database, and this Board does not have the authority to add said University to the PACS Employer Database. Thus, the Board determined that you are ineligible to have your retired pay recalculated based on PACS employment and a change to your record is not warranted.

retirement would be cancelled. Although you were transferred to Fleet Reserve on 30 June 1996, the DD Form 2676 you provided is dated 31 August 2020. There is no evidence in your record,

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.

