



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

██████████  
Docket No. 4980-24  
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 6 February 2025. 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, U.S. Marine Corps (HQMC) memorandum 1070 MPO of 12 December 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 remission of your indebtedness for the unearned portion of your Blended Retirement System (BRS) Continuation Pay (CP) in the amount of \$8,360.80 and/or the determination that the recoupment of your unearned CP was erroneous. 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 you did not meet the eligibility criteria for CP debt remission and the recoupment of your unearned CP was not erroneous in accordance with Department of Defense Financial Management Regulation Volume 7A dated February 2020, Marine Corps Bulletin 1800 dated 15 June 2021, and HQMC Finance Policy Manual, Volume 1 dated October 2023. Specifically, the policies indicate any additional service obligation incurred as a result of electing to receive CP will be served in the component in which

the Marine was serving at the time of agreement, commencing upon acceptance by the Marine Corps of the agreement to continue serving. Additionally, a Marine who receives the entirety of CP in one payment under one Marine Corps component and subsequently transfers to another Marine Corps component will be subject to repayment of the unearned portion of CP. Furthermore, an indebtedness of CP may be remitted if the Secretary concerned finds it to be in the best interest of the United States.

A review of your record indicates your PEBD is 28 May 2009, and you enrolled in the Blended Retirement System on 20 December 2018. On 9 March 2021, you signed NAVMC 11905, Active Duty Blended Retirement System (BRS) Continuation Pay Statement of Understanding (SOU), acknowledging that failing to serve 4-years of obligated service in the Active Component (AC) would require you to pay back the unearned portion of CP, and elected to receive CP in Lump Sum. On 8 February 2023, you signed DD Form 368, Request for Conditional Release and requested to resign from the AC for appointment in the Active Reserve (AR). On 1 October 2023, you transferred from AC to AR, resulting in the recoupment of your unearned CP in the amount of \$8,360.80 effective 30 September 2023. On 5 October 2023, you signed DD Form 2789, Waiver/Remission of Indebtedness Application and requested remission of your indebtedness of \$8,360.80. HQMC, Programs and Resources denied your request for remission on 30 January 2024, stating "There are no indications of fraud, misrepresentation, or lack of good faith on your part. However, you chose to transfer from the AD [Active Duty] to the AR component prior to completing your required obligation for the BRS Continuation Pay." 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.

Sincerely,

2/20/2025

