



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

█
Docket No. 6300-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █
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Ref: (a) Title 10 U.S.C. § 1552
(b) Public Law 102-484 sections 4403 and 4464, 23 Oct 92
(c) DoDI 1340.19, 17 Nov 93
(d) NAVADMIN 240/94, 19 Dec 94

Encl: (1) DD Form 149 w/attachments
(2) 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 show Petitioner completed all requirements to receive service credit for eligible employment under Public and Community Service (PACS).

2. The Board, consisting of █ reviewed Petitioner's allegations of error and injustice on 6 August 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, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. On 11 May 1978, Petitioner entered active duty and was discharged with an honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 22 May 1987 to 21 May 1989 upon fulfillment of service obligation.

c. On 17 April 1995, Navy Personnel Command Reenlistment Management, █ notified █ that Petitioner's transfer to Fleet Reserve was authorized effective 30 June 1996.

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[REDACTED]

d. Petitioner was transferred to Fleet Reserve with an honorable character of service and was issued a DD Form 214 for the period of 8 August 1989 to 30 June 1996 due to early retirement (15 years).

e. Operation Transition PACS Employer Database (No updates beyond February 2009) lists the following organization and address, [REDACTED]
[REDACTED]

f. On [REDACTED], Petitioner reached 62 years of age.

g. On 27 September [REDACTED] provided a letter verifying Petitioner's employment that stated, "[Petitioner] served as a permanent classified employee with the Authority beginning August 19, 1996 to December 12, 2014. He held the position of an Airport Operations Officer I, Airport Operations Officer II and lastly as an Airport Operations Supervisor before resigning from the Authority. Attached for your reference are the job specifications for these positions."

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of references (b), (c), and (d), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that Petitioner was retired under temporary early retirement authority (TERA) program in accordance with reference (d) and was required to register for PACS. However, there is no evidence that Petitioner was provided a copy of DD Form 2676, Validation of Public or Community Service Employment and/or was counseled on the reporting requirements and procedures for enhanced retirement credit in accordance with reference (c).¹ The Board determined that although Petitioner did not follow the administrative procedures, in accordance with reference (b),² Petitioner was eligible to have his retired pay recomputed upon reaching age 62 because he was employed by a public service or community service organization listed on the registry and completed employment with this organization within the period of his enhanced retirement qualification period.

¹ 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.

² In order to be eligible for retirement by reason of the authority provided in sub-section (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 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.

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RECOMMENDATION

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

Petitioner requested PACS registration, and it was approved prior to effective date of early retirement under TERA on 30 June 1996.

Petitioner became employed under the conditions specified in subsection 3.1 (DODI 1340.19), obtained certification of employment from the employing organization, and submitted a completed DD Form 2676 as follows: At the beginning of his qualifying periods of employment, at the end of his qualifying periods of employment, or the end of the enhanced retirement qualification period (whichever came first), and annually during a qualifying period of employment on the anniversary of the date of retirement.

Note: Navy Personnel Command will provide the Defense Finance and Accounting Service (DFAS) with the date that Petitioner would have reached 20 years of service. The DFAS will complete an audit of Petitioner's records to determine time credited for the period of 19 August 1996 to 12 December 2014 or until Petitioner would have reached 20 years of service and recompute military retired pay and the base amount. Furthermore, 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.

8/15/2024

