



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

[REDACTED]
Docket No. 7574-24
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) MILPERSMAN 1810-080
(c) PL 114-92 § 631(a)

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by OPNAV (N130), [REDACTED]
(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 eligibility to enroll in the Blended Retirement System (BRS) and receive retroactive Thrift Saving Plan (TSP) matching contributions.

2. The Board, consisting of [REDACTED], [REDACTED], [REDACTED] reviewed Petitioner's allegations of error and injustice on 18 December 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:

a. In accordance with reference (b), the Navy implemented BRS guidance and indicated, all Navy members with a Date Initially Entered Military Service (DIEMS) before 31 December 2017 are grandfathered under their legacy retirement plan and will not be enrolled in the BRS without making the election to opt-in. However, the Secretary of the Navy has the authority to extend the election time period for enrollment in the BRS for a member of the Navy who were eligible to opt-in to the BRS and was unable to enroll in BRS during the election period. Navy members who are eligible to enroll in the BRS must complete mandatory opt-in training prior to opting into BRS. Reference (c), specifies, TSP contributions may not be made for a member making an election to opt-in to the BRS for any period beginning before the date of the member's election by reason of the member's election.

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- b. On 5 June 2013, Petitioner accepted an Inactive appointment under the [REDACTED], setting his DIEMS.
- c. Petitioner accepted a reserve commission on 2 May 2017 followed by accepting an active commission on 23 June 2022.
- d. On 28 July 2022, Petitioner entered active duty and reported to [REDACTED] for duty.
- e. Petitioner's BRS election window was open from 23 August 2022 to 27 September 2022.

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. In accordance with reference (b), Petitioner met the eligibility criteria to enroll in the BRS but failed to complete the election process during the BRS election window from 23 August 2022 to 27 September 2022. Petitioner entered active duty after the beginning of BRS implementation and an election window was opened approximately 1-month after he entered active duty, therefore the Board determined it is reasonable that an individual new to the Service would not have a clear understanding of their DIEMS. However, retroactive TSP contributions prior to a voluntary election to opt-in to the BRS is not authorized in accordance with reference (c). Although proper administrative requirements were not completed, the Board determined that under these circumstances, partial relief is warranted.

RECOMMENDATION

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

After completion of BRS mandatory opt-in training, Petitioner is authorized to irrevocably opt into BRS within 45-days of receiving this decision document.

Note: Petitioner is directed to contact MyNavy Career Center for assistance with opting into BRS within 45 days of receiving this decision document.

The part of the Petitioner's request for corrective action that exceeds the foregoing is denied in accordance with reference (c).

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

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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.

1/7/2025

