



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

[REDACTED]
Docket No. 7784-24
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552
(b) MILPERSMAN 1810-081, subj: Continuation Pay for Members Enrolled in the Blended Retirement System, 20 December 2017
(c) NAVADMIN 302/17, subj: Notification of the Start of the Blended Retirement System Enrollment Period and Enrollment Instruction for Opt-in Eligible Service Members, dtg 201541Z DEC 17
(d) NAVADMIN 158/18, subj: Blended Retirement System Enrollment Period and Continuation Pay, dtg 021520Z JUL 18

Encl: (1) DD Form 149
(2) DD Form 214, Certificate of Release or Discharge from Active Duty, 6 Oct 22
(3) Electronic Training Jacket
(4) NSIPS Blended Retirement System Election
(5) NSIPS Continuation Pay Election
(6) NAVPERS 1000/4, Officer Appointment Acceptance and Oath of Office, 8 Jun 22
(7) Advisory Opinion by OPNAV N130 Memo 7220, 21 Aug 24
(8) BCNR Advisory Opinion Email to Petitioner, 22 Aug 24
(9) Petitioner Advisory Opinion Rebuttal, 12 Nov 24
(10) Petitioner Advisory Opinion Rebuttal, 24 Jan 25
(11) Petitioner Acknowledgment of Service Obligation, 26 Jan 25

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, hereinafter referred to as the Board, requesting that her naval record be corrected to establish entitlement to Continuation Pay (CP) pursuant to the Blended Retirement System (BRS).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 29 January 2025 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. Having reviewed all that evidence of record pertaining to Petitioner's allegations of error or injustice, the Board found as follows:

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- a. Before applying to the Board, Petitioner exhausted all administrative remedies available under existing law and regulations with the Department of the Navy.
- b. On 13 September 2006, Petitioner entered active duty, establishing her Pay Entry Base Date. Enclosure (2).
- c. On 23 October 2017, Petitioner completed BRS Opt-In Course. Enclosure (3).
- d. On 11 September 2018, Petitioner opted into BRS. Enclosure (4).
- e. Petitioner's last day to elect CP was 12 September 2018. Enclosures (5).
- f. On 7 June 2022, Petitioner discharged from active duty to accept commission in same branch of service. Enclosure (2).
- g. On 8 June 2022, Petitioner accepted an active commission. Enclosure (6).
- h. By memorandum dated 21 August 2024, OPNAV N130G, Reserve and Retired Compensation Branch provided an advisory opinion (AO) for the Board's consideration, recommending that Petitioner's request be denied. Specifically, the AO noted that, Petitioner was ultimately responsible to make the CP election before her 12 years of service (YOS) and her request for correction was untimely. Enclosure (7).
- i. On 22 August 2024, Petitioner was provided the AO for an opportunity to make a statement and/or provide additional documentation. On 12 November 2024, Petitioner provided a statement indicating she should not be held responsible for being improperly counseled regarding ineligibility and relied on the administrator that "had the training" to provide her with the correct information. Enclosures (8) and (9).
- j. On 24 January 2025, Petitioner elected to receive lump sum payment and on 26 January 2025, acknowledged the CP obligation. Enclosures (10) and (11).

BOARD CONCLUSION

Upon careful review and consideration of all the evidence of record, the Board found sufficient evidence of an injustice warranting relief. As with the AO, the Board found no error in Petitioner's denial of CP under the BRS. References (b) through (d)¹ required Petitioner to affirmatively elect CP prior to reaching 12 YOS on 13 September 2018. Petitioner failed to

¹ Service members who enrolled in BRS are eligible to receive mid-career CP at 12 YOS in exchange for an agreement to service four additional years of obligated service, to run concurrent with any existing service obligation. For the purpose of CP eligibility, 12 YOS is computed from the member's Pay Entry Base Date. Additionally, opt-in members that were eligible for CP in 2018 had an abbreviated time period to elect CP if they chose to opt-in to BRS. In such case, if unable to elect CP via Navy Personnel System, members were able to use permanent NAVPERS 1070/613, Administrative Remarks to elect CP. However, opt-in eligible members were still required to make an election prior to reaching 12 YOS. References (c) and (d) reiterated that members eligible for CP in 2018 were required to enroll in BRS first and elect to take CP prior to reaching 12 YOS.

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make such an election prior to that date. Accordingly, there was no error in the denial of CP for Petitioner. However, although the Board found no error in the denial of CP for Petitioner, it did find an injustice in such denial warranting relief. Specifically, the Board concluded the BRS construct was newly established and at the time, Petitioner was a junior sailor that would have required additional guidance to elect CP due to the infancy of the program. Therefore, the Board surmised that had Petitioner received adequate counseling to elect CP, she would have followed the proper procedures prior to going over 12 YOS. The Board noted that Petitioner otherwise met the criteria for CP. Accordingly, the Board determined that equitable relief is warranted in the interest of justice.

BOARD RECOMMENDATION

In view of the above, the Board recommends that the following correction action be taken on Petitioner's naval record.

Petitioner in coordination with her command completed the required Continuation Pay NAVPERS 1070/613, Administrative Remarks prior to reaching 12 YOS and submitted it to Commander, Navy Personnel Command for inclusion in the Petitioner's Official Military Personnel File.

Commander, Navy Personnel Command (PERS-8) validated Petitioner's CP eligibility and released CP authorization to Defense Finance and Accounting Service (DFAS). Note: 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.

2/18/2025

