



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

██████████
Docket No. 10592-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████, USN RET,
XXX-XX-██████████

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 119/95, 1 Jun 95

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 retirement percentage be adjusted to 50% at age 62.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 4 February 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. On 26 January 1981, Petitioner entered active duty for 4 years with an EAOS of 25 January 1985.

b. Reference (b) 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 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 public and community service job opportunities from the Secretary of Defense or another source approved by the Secretary and be afforded, on request, counseling on such job opportunities.

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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.

c. Reference (c) 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.

d. Reference (d) this NAVADMIN expands eligibility for enlisted temporary early retirement that was previously promulgated via ref a [FY96 Enlisted Temporary Early Retirement Program]. It is not an entitlement, but a temporary early retirement authority (TERA) authorized by congress for service use until 30 Sep 99 the term "retirement" in this NAVADMIN refers to 'transfer to the Fleet Reserve.' since TERA is not an entitlement. All eligible members who apply may not be approved. Ability to provide a timely relief, to complete minimum activity tour, and number of previously approved tera requests will all be considered in the tera review process. MM (SW) in paygrade 7 with 15 to 20 Years of Service (YOS) were eligible.

Applications will be accepted from DTG this MSG to 11 Aug 95. Applications will be processed on a first come first served basis. a. Members must request to retire NET 31 Oct 95 and NLT 30 Sep 96. b. Members who submit a TERA application render themselves ineligible for selection board consideration and advancement in rate.

All tera retirees are required by public law to register 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-662. 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; tween their separation date and the date 20 YOS would normally have been reached. (For example, a member retiring at exactly 17 YOS would have the next 3 years to earn retirement credit from PACS employment.) Members who begin PACS employment on the day following their retirement date will earn the maximum retirement credit, which starts to be paid at age 62. The national PACS registry will contain jobs in the following categories: education, law enforcement. Public health care, social services, public safety emergency relief. Public housing. Conservation, and environment.

e. Petitioner was transferred to Fleet Reserve 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 13 September 1985 to 30 September 1996 due to Early Retirement (15 years). Petitioner completed 15 years and 19 days of active service.

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f. Operation Transition PACS Employer Database (No updates beyond February 2009) lists the following Organization and address: “[REDACTED].”

g. On 1 July 2024, [REDACTED] Public Schools, [REDACTED] notified To Whom It May Concern that “[t]his letter serves as verification of employment for “[Petitioner] was employed with [REDACTED] Public Schools from July 1, 2001, through December 18, 2009.”

h. On 11 October 2024, [REDACTED] notified To Whom It May Concern that “[Petitioner] is a former employee of [REDACTED], a public school district, from August 26, 1996 to June 8, 2001. “[Petitioner] held the position of Assistant Naval Science Instructor.”

i. On 31 January 2025, Defense Manpower Data Center (DMDC) notified BCNR that “DMDC does not show this member as reported for TERA in our records here at DMDC.”

j. On 12 September 2025, Petitioner will reach 62 years of age.

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 partial corrective action. The Board concluded that on 30 September 1996, Petitioner was transferred to Fleet Reserve due to Early Retirement (15 years). In accordance with references (b) and (d), he was required to register for PACS as a condition of TERA, however there is no evidence that he did so. Additionally, there is no indication that during retirement processing, he was provided a copy of DD Form 2676, "Validation of Public or Community Service Employment," or was counseled on the reporting requirements and procedures for enhanced retirement credit in accordance with reference (c). [REDACTED] School District's Human Resources Coordinator confirmed Petitioner's employment from 26 August 1996 to 8 June 2001 and the school district is listed in the Operation Transition PACS Employer Database, therefore the Board determined that Petitioner is eligible to have this period of employment count for enhanced retirement credit. The Board did not agree to credit Petitioner for his employment with [REDACTED] Public Schools, [REDACTED], as they are not listed in the Operation Transition PACS Employer Database.

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 September 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.

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Note: Navy Personnel Command will provide Defense Finance and Accounting Service (DFAS) with the date that Petitioner would have reached 20 years of service. DFAS will complete an audit of Petitioner's records to determine time credited for the periods of 26 January 1981 to 25 January 1985, and 13 September 1985 to 30 September 1996 or until Petitioner would have reached 20 years of service, and re-compute military retired pay and the SBP base amount. Furthermore, the Defense Finance and Accounting Service will complete an audit of Petitioner's pay records to determine amounts due, if any.

That a copy of this report of proceedings be filed in Petitioner's naval record.

That no further changes be made to 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.

2/8/2025

