



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

██████████
Docket No. 12129-24
Ref: Signature Date

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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 25 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.

You were discharged with an Honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 12 January 1981 to 11 May 1987 due to expiration of term of enlistment.

In accordance with Public Law 102-484 sections 4403 and 4464 of 23 October 1992, 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.

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.

In accordance with DoDI 1340.19 of 17 November 1993, 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.

In accordance with NAVADMIN 153/96 of 26 June 1996, this NAVADMIN implements the FY97 enlisted temporary early retirement authority (TERA) and applies to active-duty USN sailors regardless of duty station.

Applications for FY97 TERA for the period of 1 Oct 96 to 31 Dec 96 will be accepted from the DTG of this message until 31 Aug 96.

All tera retirees are required to register for PACS but are not required to accept employment. PACS registration can be accomplished at the nearest military transition site (normally the family service center). Deployed servicemembers and those without access to an FSC/transition office can send applications to their nearest or homeport FSC. Verification of registration will be accomplished during check-out procedures. Members choosing to accept PACS employment after military retirement can earn credit for up to 20 years' retirement pay. Credit is earned for PACS employment only between separation date and the date the member would have normally reached 20 years of military service. For example, a member retiring at 16 years has the next 4 years to earn retirement credit from PACS employment. Members who begin PACS employment the day following retirement date will obtain maximum retirement credit. PACS employment retirement credit is paid beginning at age 62. The national registry will contain jobs in the following categories: education, law enforcement, public health care, social services, public safety, emergency relief, public housing, and conservation and environment.

On 31 October 1996, ██████████ notified ██████████ ██████████ that your transfer to Fleet Reserve was authorized effective 30 November 1996. Furthermore, you completed 15 years, 1 month, and 23 days of active service. Moreover, the following was listed: "Note do not retire service member until registration for public and community service (PACS) is completed. By law, all TERA retirees are required to register for (PACS) prior to retirement but are not required to accept employment. If service member refuses to enroll on the PACS registry. Advise PERS-27 and the authorization for retirement will be cancelled."

You were transferred to Fleet Reserve with an Honorable character of service and were issued a DD Form 214 for the period of 8 February 1988 to 30 November 1996 due to early retirement (15 years).

Operation Transition PACS Employer Database (No updates beyond February 2009) does not show your employer.

On 23 May 2012, Commander, Navy Personnel Command (PERS-912) notified you that “[u]nder reference (a) [Title 10, U.S. Code, Section 6331], upon your completion of 30 years of active/inactive duty service or otherwise meeting eligibility requirements, the Secretary of the Navy authorized your transfer to the Retired List of the Regular Navy/Navy Reserve. Per reference (b) [MILPERSMAN 1820-010], we transferred you to the Retired List effective the date indicated below.”

On 19 February 2025, Department of Veterans Affairs, VA [REDACTED] notified To Whom It May Concern that “[t]his letter serves to verify that [REDACTED] worked at the Veterans Affairs from 03/18/1997 to his retirement date of 09/30/2023.”

You requested to qualify for re-computation of retired pay at age 62, the Board in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You state that, “I was offered the Temporary Early Retirement Authority at 15 years. I gladly took it, didn't pay as much attention as I should have to all the paperwork had to sign to retire... if my inattentiveness can be overlooked, I was hoping I could belatedly become part of the whole TERA/PACS deal” so that you could have your retirement pay recalculated by September 2025, when you will turn 62. However, the Board concluded that by law, all TERA retirees are required to register for PACS prior to retirement but are not required to accept employment. Additionally, [REDACTED] was notified “...do not retire service member until registration for public and community service (PACS) is completed.” It appears that you were either not counseled about PACS, as required by DoDI 1340.19 or you missed it in your haste to “hit the civilian road with your reduced pension.” Nevertheless, you were still transferred to the Fleet Reserve effective 30 November 1996. The Board determined that even though the steps regarding PACS registering and reporting were not completed by either the Navy or by you, you were still permitted to retire. Moreover, your employer is not listed in the Operation Transition PACS Employer Database, thus the Board determined that you are ineligible to have your retired pay recalculated based on PACS employment and that 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,

3/5/2025

[REDACTED]