



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

██████████
Docket No. 215-25
Ref: Signature Date

██████████
██████████
██████████

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 15 April 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 11 August 1981 to 29 April 1985 due to immediate enlistment/reenlistment.

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 subsection (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, “[t]his Instruction applies to:... Any member of the Military Services who: Retires (other than for disability) under the temporary early retirement authority of Section 4403 of reference (a) before the completion of 20 years of creditable service (as computed under the applicable provision of law) (herein referred to to as "retiree"). Is employed within the period beginning on the date of retirement and ending on the date the retired member would have attained 20 years of creditable service for computing retired pay (herein referred to as "enhanced retirement qualification period").”

“It is DoD policy that: A retiree shall receive military service credit, as provided by reference (a), for all qualifying periods of employment during the enhanced retirement qualification period. A qualifying period of employment shall meet the following conditions: The employing organization is listed on the registry of public and community service organizations, maintained by the Department of Defense, reviewed by the Interagency Public and Community Service Working Group, and approved by the Assistant Secretary of Defense for Personnel and Readiness, as qualifying as an employer for additional military service credit. 3.1.2. The employment is full-time, as defined by the employing organization. As a guideline, full-time is defined as a minimum of 33 hours per week or 143 hours per month, including paid holidays and paid periods of leave or vacation. The employee is paid.”

“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.”

On 17 February 1995, BUPERS REENL MGMT, Washington DC notified P ██████████ ██████████ that your transfer to Fleet Reserve was authorized effective 30 September 1996. Furthermore, you completed 15 years, 1 month, and 20 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.

On 22 January 1996, BUPERS REENL MGMT, Washington DC notified ██████████ ██████████ that your transfer to Fleet Reserve was authorized effective 30 September 1996.

Furthermore, you will complete 30 years of service on 24 September 2010. Moreover, the following was listed: "Note do not retire service member until registration for PACS is completed. By law all TERA retirement 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.

In accordance with NAVADMIN 119/95 of 1 June 1995, "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." AMS in paygrade 5 with 15 to 20 Years of Service (YOS) were eligible."

"Application and retirement deadlines. A. Applications will be accepted from DTG this msg to 11 Aug 95. Applications will be processed on a first come first served basis. B. Members must request to retire net 31 Oct 95 and NLT 30 Sep 96. C. Members who submit a TERA application render themselves ineligible for selection board consideration and advancement in rate."

You were transferred to Fleet Reserve 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 30 April 1985 to 1 October 1996 due to early retirement.


On 10 August 2001, you would have reached 20 years of service/the end of your enhanced retirement qualification period.

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

On 8 April 2025, ██████████ notified To Whom It May Concern that "This letter is to confirm that ██████████ was employed with us from November 22, 2010, to June 19, 2020. He was employed full time as a ██████████ ██████████."

On ██████████ you will reach 62 years of age.

You requested to receive service credit for eligible employment under PACS, the Board in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that you were required to register for PACS prior to your retirement, however there is no record of your registration for PACS. Furthermore, any credit you were initially eligible to receive for PACS employment would have been for employment at an employer that is on the registry and took place between your retirement date and 10 August 2001. The ██████████ in

 is not registered on the master list of PACS employers, and the employment you are requesting credit for began long after the end of your enhanced retirement qualification period. Therefore, the Board determined 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,

4/18/2025

