



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

Docket No. 2206-25
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 12 August 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.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

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, this 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 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.

In accordance with NAVADMIN 093/95 of 25 April 1995, this NAVADMIN announces a Temporary Early Retirement Program for eligible officers in FY-96. It is not an entitlement but a TERA, which has been authorized by congress for service use until 30 September 1999 to facilitate the Navy's rightsizing.

TERA offers early retirement at a somewhat reduced monthly stipend to eligible members prior to completing 20 years active service. Active Duty List (AOL) officers who have accumulated at least 15 years' active duty service between 1 October 1995 and 1 September

1996 may be eligible for TERA. Since TERA is not an entitlement, all eligible members who apply may not be approved.

All TERA retirees are required by public law to register for PACS, but they are not required to accept PACS employment. Members choosing to accept PACS employment after military retirement can earn credit up to 20-year retirement pay. Credit is earned for PACS employment only between the separation date and the date the member would have normally reached 20 years military service. PACS employment retirement is paid beginning at age 62.

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

You were transferred to the retired list with and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 17 May 1980 to 31 October 1995. Block 18 (Remarks) states, "...Member is retiring as provided by Section 4403 of the 1993 National Defense Authorization Act (NDAA) and may qualify for a re-computation of retired pay at age 62 (Section 4464 of that same law)..."

On 30 July 2025, ██████████ Public Schools notified To Whom It May Concern that ██████████ began his teaching career with ██████████ School District ██████████ during the 1997-1998 school year as a substitute teacher (121 days of service).

Upon completion of his master's degree in special education at the University of Washington, he was hired on a continuing contract at the beginning of the 1998-1999 school year and retained that status through the end of the 2022-2023 school year.

Walter's continuing service included the following: Special Education Pre-School teacher at ██████████ Elementary for two years. Special Education Resource Room teacher at ██████████ Elementary (Kindergarten through 4th/5th Grade) for twenty-three years.

After twenty-five years of continuous service with the District, ██████████ at the close of the 2022-2023 school year."

On 8 August 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."

You requested to have your retired pay recalculated to include 33 months you earned as a public school teacher, the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that you met the PACS requirement for service credit because you worked as a teacher with ██████████ Public Schools during your Enhanced Retirement Qualification Period. However, the Board concluded that in accordance with Public Law 102-484 sections 4403 and 4464 of 23 October 1992, "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.” Although you were required to register for PACS as a condition of your retirement under TERA, the Board concluded that there is no record that you registered for PACS in accordance with Public Law 102-484 sections 4403 and 4464 or NAVADMIN 093/95. Furthermore, Oak Harbor Public Schools is not listed in the Operation Transition PACS Employer Database. Therefore, the Board found no error or injustice to warrant a change to your record.

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,

8/18/2025

