



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

[REDACTED]
Docket No. 3102-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USNR RET,
XXX-XX-[REDACTED] (DECEASED)

Ref: (a) Title 10 U.S.C. § 1552
(b) BUPERSINST 1001.39 of 21 Jun 89
(c) Title 10 U.S.C. § 12731

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by NPC ltr 5740 PERS-91, 9 May 2025
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject's son, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his father's naval record be corrected to receive retirement pay if paperwork had been completed by the Navy.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 2 September 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 Subject'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 March 1971, Subject enlisted in the U.S. Naval Reserve.

b. On [REDACTED], Subject married [REDACTED]. In January 1980, Subject's dependent child [REDACTED] was born. On [REDACTED], Subject divorced.

c. Subject was discharged with an honorable character of service and were issued a Report of Separation from Active Duty (DD Form 214N) for the period of 30 August 1971 to 29 March 1978 upon completion of required active service.

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d. In accordance with reference (b), Application. Retired pay benefits must be requested; the process is not automatic. An application package, including all required forms and the Navy Guide for Retired Personnel (NAVPERS 15891) will be sent by NAVRESPERSCEN approximately nine months before the 60th birthday to all Naval Reserve officers who are identified as eligible for retired pay benefits, and to enlisted members of the Retired Reserve. The application should be completed and submitted to the Commanding Officer, NAVRESPERSCEN (Code 25) within 30 days of receipt to allow sufficient time for processing. The application must be made on DD 10 8, Application for Retired Pay Benefits. Also required for establishing a retired pay account are NRPC 1800/10, Questionnaire for Applicants for Retired Pay, 1RS W-4, Employee's Withholding Allowance Certificate, and the DD 1883, Survivor Benefit Plan Election Certificate which must be returned by reservists who have not filed an SBP election or who had previously elected Option A under the new Reserve Component SBP as provided for in Public Law 95-397 (see paragraph 1713). Reservists with an NOE in their service record may be issued the retired ID card upon reaching age 60 to prevent the loss of benefits during the processing time reflected above.

e. In accordance with reference (c), Age and service requirements. (a) Except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person—(1) is at least 60 years of age; (2) has performed at least 20 years of service computed under section 12732 of this title; (3) performed the last eight years of qualifying service while a member of any category named in section 12732(a)(1) of this title, but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve; and (4) is not entitled, under any other provision of law, to retired pay from an armed force or retainer pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve.

(b) Application for retired pay under this section must be made to the Secretary of the military department, or the Secretary of Transportation, as the case may be, having jurisdiction at the time of application over the armed force in which the applicant is serving or last served. (c)(1) A person who, before August 16, 1945, was a Reserve of an armed force, or a member of the Army without component or other category covered by section 12732(a)(1) of this title except a regular component, is not eligible for retired pay under this chapter unless—(A) the person performed active duty during World War I or World War II; or (B) the person performed active duty (other than for training) during the Korean conflict, the Berlin crisis, or the Vietnam era.

f. On 7 June 1995, Commanding Officer, Naval Reserve Personnel Center notified Subject that “[Subject has] completed all requirements to receive retired pay at age 60 under the provision of Title 10, U.S. Code, Chapter 67 and MILPERSMAN 3860470. Eligibility MAY NOT be denied or revoked unless it resulted directly from fraud or misrepresentation on your part. The number of years, creditable service and the amount of retired pay, however, MAY be adjusted for errors. Record of Military Service for Naval Reserve Retirement is used to document your initial eligibility. An updated Record of Military service for Naval Reserve Retirement will be provided on your retirement or discharge

You are now also entitled to participate in the Reserve Component Survivor Benefit Plan (RCSBP). RCSBP Information Brochure/Election Certificate provides pertinent

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information and an election certificate. Your completed election certificate must be submitted to NAVRESPERCEN (Code 41) within 90 days of receipt of this letter. Your election is IRREVOCABLE except upon certain changes in dependent status.”

g. On 23 October 1996, Commanding Officer, Naval Reserve Personnel Center notified Subject that “[t]he Chief of Naval Personnel approved your request to transfer to the Retired Reserve under Title 10, U.S. Code, Sections 10154 and 12774(a), and authorized your transfer to Retired Reserve status effective 1 August 1995 .

Upon application per MILPERSMAN or BUPERSINST 1001.39B, you will be eligible for retired pay benefits under Title 10, U.S. Code, Chapter 1223 at age 60.”

h. On 27 February [REDACTED], Subject turned 60.

i. On 19 October [REDACTED], Subject completed and signed a Last Will and Testament.

j. Subject contacted My Navy Career Center 6 times from 15 January 2021 to 21 December 2022 requesting retirement pay per Salesforce contract records.

k. On 5 March 2023, Subject died.

l. On 11 April 2023, In the [REDACTED] in the matter of the Estate of [Subject] issued a letter of Appointment that Petitioner was appointed and qualified as Executor of the above entitled matter.

m. On 23 January 2025, Navy Personnel Command (NPC) notified Petitioner that “[t]he Commander, [REDACTED], extends his sympathy to you on the loss of your father, USNR Member, [Subject]. This letter acknowledges your inquiry requesting information about survivor benefits based on your father’s military service.

We regret to inform you that there are no monetary benefits payable to you by the Department of the Navy under the Reserve Component-Survivor Benefit Plan (RC-SBP). To be eligible for RCSBP a member or former member must have a total of at least 20 qualifying service years and request retirement with pay. Children must be under the age of 18 to be eligible to qualify for annuity. Unfortunately, the member did not request retirement with pay prior to passing and child doesn’t meet age requirements.”

n. In the advisory opinion, attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner’s application has commented to the effect that the request has merit and warrants favorable action, stating that, “Navy Personnel Command (PERS-912) has reviewed reference (a) [BCNR Docket No: NR20250003102] and has determined that [Subject] attempted to apply for retirement pay on 15 January 2021...The recommendation for the Board for Correction of Naval Records is to change the record to reflect the date of submission for retirement pay effective 15 January 2021 as records indicate his intention to apply before his passing.”

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CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board agreed that Subject met the requirements detailed in reference (b) to receive retired pay upon application for retired pay at or after age 60, however NPC never received a request to receive retired pay. In accordance with enclosure (2), PERS-91 determined that Subject first attempted to apply for retirement pay on 15 January 2021 and determined that Subject's record should be changed to reflect the date of submission for retirement pay effective 15 January 2021 as records indicate his intention to apply before his passing. The Board determined that this correction is consistent with Petitioner's claim that Subject's intent was to start his benefits after his civilian retirement, therefore under this circumstance, relief is warranted.

RECOMMENDATION

That Subject's naval record be corrected, where appropriate, to show that:

Subject submitted a request for retired pay on 15 January 2021 and was approved by cognizant authority.

Note: The Defense Finance and Accounting Service will complete an audit of Subject's pay records to determine amounts due, if any.

A copy of this report of proceedings will be filed in Subject'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.

9/9/2025

