

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-03884

XXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

He be eligible to receive his Continuation Pay (CP) under the Blended Retirement System (BRS).

APPLICANT'S CONTENTIONS

In December of 2019 he was notified of his eligibility for Continuation Pay and worked with his Military Personnel Flight to obtain the required retainability prior to his 12 year anniversary date. However, due to an oversight, the extension of his enlistment was for two months less than the four years required. He noticed the oversight when he didn't receive his Continuation Pay and in August of 2020 he was notified of the error. He was told that if he obtained the additional two month extension, then he would be eligible for the Continuation Pay. As such he quickly accomplished the extension, but when he e-mailed the Total Force Service Center (TFSC), they informed him that he was no longer eligible because he did not have the retainability prior to his 12 year anniversary date.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an active duty Air Force technical sergeant (E-6).

The Military Personnel Data System (MilPDS) shows that the applicant's actual "Pay Date" (also referred to as the Pay Entry Base Date [PEBD]) is 8 April 2008. Since he had less than 12 years of service as of 31 December 2017, he was eligible to opt-in to the Blended Retirement System and did so on 3 January 2018. Furthermore, under the Blended Retirement System, the applicant was eligible for Continuation Pay, provided his election was made prior to the 12th anniversary of his "Pay Date" (8 April 2020).

On 20 December 2019, according to "Continuation Pay Statement of Understanding and Election," provided by the applicant, he requested Continuation Pay. On 25 February 2020, his commander approved his request.

On 25 March 2020, AF Form 1411, *Extension of Enlistment in the Air Force*, shows that his commander approved a 12 month extension for the purpose of Continuation Pay giving the applicant a new date of separation of 25 February 2024.

On 14 September 2020, AF Form 1411, *Extension of Enlistment in the Air Force*, provided by the applicant, shows that his commander approved an additional 2 month extension for the purpose of Continuation Pay giving the applicant a new date of separation of 25 April 2024.

The Military Personnel Data System (MilPDS) confirms that the applicant's date of separation is currently 25 April 2024, which provides the applicant the required retainability needed for

Continuation Pay approval; however, because he did not have the retainability prior to his 12 year anniversary “Pay date” (8 April 2021), his request for Continuation Pay was disapproved.

For more information, see the excerpt of the applicant’s record at Exhibit B and the advisory at Exhibit D.

APPLICABLE AUTHORITY/GUIDANCE

General Blended Retirement System Guidance: Sections 631 through 635 of Public Law 114-92, the National Defense Authorization Act for Fiscal Year 2016, amended in Public Law 114-80, National Defense Authorization Act for Fiscal Year 2017.

On 27 January 2017, the Deputy Secretary of Defense implemented guidance for the newly created retirement system for the Uniformed Services, which was enacted in the 2016 National Defense Authorization Act for Fiscal Year 2016. This system, called the Blended Retirement System combines the traditional legacy retirement pension, also known as a defined benefit, with a defined contribution benefit into a Thrift Savings Plan. The Blended Retirement System went into effect on 1 January 2018.

Active component Service members with fewer than 12 years of service as of 31 December 2017, calculated from their Pay Entry Base Date [PEBD] (for the Air Force it is referred to as the “Pay Date”), and members of the National Guard or Reserve who have accrued fewer than 4,320 points as of 31 December 2017, are also grandfathered under the current retirement system but may choose to opt-in to the Blended Retirement System.

Guidance on Continuation Pay: In accordance with AFI 36-3012, Military Entitlements, Chapter 4, Continuation Pay and Personnel Services Delivery (PSD) Guide, Blended Retirement System (BRS) Continuation (CP) Execution, Organization, and Responsibilities:

Members of the Uniformed Services who are covered by the Blended Retirement System are eligible to receive a one-time, mid-career bonus payment in exchange for an agreement to perform additional obligated service. The amount is determined by applying a multiplier to the member’s monthly base pay. For RegAF Airmen, the multiplier is 2.5 and for ANG or AFR Airmen, the multiplier is 0.5.

Service members eligible to receive continuation pay must have completed not less than 8 and not more than 12 years of service, as computed from the members Pay Entry Base Date (otherwise referred to in the Air Force as the “Pay Date”). In addition, the member must complete the Statement of Understanding and Election (SOU), obtain their commander’s approval for Continuation Pay, and commit to a four year military service obligation. The election for Continuation Pay must be made prior to the member’s 12th year of service based on pay date but no earlier than 90 days in advance.

According to a myPers article, *Blended Retirement System Continuation Pay*, updated on 12 March 2021, “Airmen will be notified of their potential eligibility for BRS CP and receive a BRS CP Election SOU via myPers messaging starting approximately 90 days prior to the potential BRS CP effective date.” In addition, the Continuation Pay fact sheet pulled from myPers states that notification for Continuation Pay will start 60 days before a member’s 12th year of service.

For more information, see Exhibit C.

AIR FORCE EVALUATION

AFPC/DPSIM, recommends granting the application. On 9 December 2019, the applicant acknowledged eligibility for Continuation Pay; however, he was erroneously briefed by his Military Personnel Flight that he did not have the retainability and was ineligible for the Blended Retirement System Continuation Pay. The applicant later discovered that he was misinformed and quickly corrected the error by entering another extension of his enlistment; however, because of the delay the applicant had passed his 12 year anniversary date to request Continuation Pay. Upon further review, the applicant did in fact complete their Statement of Understanding prior to the 12 year anniversary date and has also obtained the required 48 months of retainability, which both solidify his intent receive Continuation Pay.

The complete advisory opinion is at Exhibit D.

APPLICANT’S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 13 January 2022 for comment (Exhibit E), but has received no response.

FINDINGS AND CONCLUSION

1. The application was timely filed.
2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, the Board concludes the applicant is the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DPSIM and finds a preponderance of the evidence substantiates the applicant’s contentions. The Board notes, that an administrative oversight precluded the applicant from obtaining the required retainability and submitting a timely Continuation Pay election. Furthermore, the Board notes, that the Continuation Pay Statement of Understanding was signed prior to the applicant’s 12 year anniversary of his Pay Date and he has since extended his enlistment to cover the two months required for Continuation Pay approval. Therefore, the Board recommends correcting the applicant’s records as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that on 25 February 2020, he submitted a timely and effective Continuation Pay Statement of Understanding and Election to accept Continuation Pay in accordance with Public Law 114-80; his election for Continuation Pay was accepted; and he received a 48 month active duty service commitment (ADSC) in exchange for the approved Continuation Pay election.

CERTIFICATION

The following quorum of the Board, as defined in Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2021-03884 in Executive Session on 15 March 2022:

- , Panel Chair
- , Panel Member
- , Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 10 September 2021.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Blended Retirement System Guidance.
- Exhibit D: Advisory opinion, AFPC/DPSIM, dated 12 January 2022.
- Exhibit E: Notification of advisory, SAF/MRBC to applicant, dated 13 January 2022.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by AFI 36-2603, paragraph 4.11.9.