



CUI//SP-MIL/SP-PRVCY

**UNITED STATES AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS**

RECORD OF PROCEEDINGS

IN THE MATTER OF:

Work-Product

DOCKET NUMBER: BC-2022-01052

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Her election to opt-in to the Blended Retirement System (BRS) be reversed and she be allowed to remain under the High-3 legacy retirement system.

APPLICANT'S CONTENTIONS

She erroneously elected to be placed under the Blended Retirement System when she was under the impression she would be allowed to reenlist in the Air National Guard. Since she joined the Air National Guard on 16 March 2019 she has not received any Thrift Savings Plan matching contributions or received Continuation Pay. While she was still on active duty, she did receive approximately \$350 in auto contributions, but she understands that it will need to be reimbursed to the government. Furthermore her military personnel flight did not have a system or process in place to ensure that members were receiving their Continuation Pay entitlement notifications and she was never notified of her eligibility for Continuation Pay prior to her 12 year anniversary of her Pay Date.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air National Guard technical sergeant (E-6).

On 10 June 2008, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant entered the Regular Air Force.

On 6 September 2017, according to the Military Personnel Data System (MilPDS), the applicant completed the Blended Retirement System training. In addition, it shows that the applicant's actual "Pay Date" (also referred to as the Pay Entry Base Date [PEBD]) is 10 Jun 2008. Since she had less than 12 years of service as of 31 December 2017, she was eligible to opt-in to the Blended Retirement System and did so on 30 March 2018. Furthermore, under the Blended Retirement System, the applicant was eligible for Continuation Pay, provided her election was made prior to the 12th anniversary of her "Pay Date" (10 June 2020).

On 15 Mar 2019, according to DD Form 214 the applicant was honorably discharged and credited with 10 years, 9 months and 6 days of active service.

On 16 Mar 2019, the applicant joined the Air National Guard via Palace Front.

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

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Controlled by: SAF/MRB
CUI Categories: SP-MIL/SP-PRVCY
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

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

NGB/AIPP recommends denying the application, stating that there is no evidence of an error or injustice. On 5 September 2017 the applicant was informed of the irrevocability of the Blended Retirement System election when she completed the training. She was notified again when she elected to opt-in on 30 March 2018. Based on the policy set forth by the Secretary of Defense the decision to enroll in the Blended Retirement System is irrevocable.

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 17 May 2022 for comment (Exhibit E), and the applicant replied on 3 June 2022. While the applicant admits that she was aware of the permanent election, she was under the impression that she would be leaving the military in just a few months, but if she did choose to further her military career she would receive the benefits of matching Thrift Savings Plan contributions and Continuation Pay. She chose to further her military career in the Air National Guard as a full-time Air Guard Reserve member, but has not received any of the aforementioned benefits she was supposed to receive. In this regard, she was never notified that she was eligible to receive the Continuation Pay and while she has appealed to receive the benefit she was told that since she had passed her 12 year mark she was no longer eligible. She further reiterates that she is happy to pay back the small amount of matching TSP contributions she received from her time on active duty.

She has given 14 years to the military and will end up with very little at the end of her career if she is not able to move back to the "High-3" Retirement System.

The applicant's complete response is at Exhibit F.

ADDITIONAL AIR FORCE EVALUATION

NGB/A1PP maintains their recommendation to deny the applicant's request to be placed back into the High-3 Retirement system, but recommends a partial grant to allow the applicant to collect BRS Continuation Pay. NGB/A1PP goes on to state that there may have been a system glitch that caused a blank retirement field in service member records, which created inaccurate data when Personnel System Manager's (PSMs) ran Continuation Pay eligibility reports for their respective units. In this regard, NGB/A1PP finds it reasonable to believe the applicant may have never been notified of her eligibility to request Continuation Pay.

The complete advisory opinion is at Exhibit G.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 24 October 2022 for comment (Exhibit H), 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 NGB/A1PP and finds a preponderance of the evidence substantiates the applicant's contentions in part. Specifically, the Board notes that NGB/A1PP states that there may have been a system glitch that caused the applicant not to receive notification about her eligibility for Blended Retirement System Continuation Pay, which is sufficient to justify granting a request that allows the applicant to submit an election for Continuation Pay. However, for the remainder of the applicant's request, the evidence presented did not demonstrate an error or injustice, and the Board therefore finds no

basis to recommend granting that portion of the applicant's request. In this regard, the Board further notes that the applicant completed the Blended Retirement System training on 6 September 2017 and elected to opt-in on 30 March 2018. The applicant has provided no evidence of an error or injustice that would warrant reversing what is supposed to be an irrevocable decision and should not be allowed to revert back to the legacy retirement system. 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 1 June 2020, she submitted a timely and effective Continuation Pay Statement of Understanding and Election to accept Continuation Pay in accordance with Public Law 114-80; her election for Continuation Pay was accepted; and the applicant received a 48 month military service obligation in exchange for the approved Continuation Pay election.

However, regarding the remainder of the applicant's request, the Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the application will only be reconsidered upon receipt of relevant evidence not already considered by the Board.

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-2022-01052 in Executive Session on 6 Dec 22:

Work-Product [Redacted], Panel Chair
Work-Product [Redacted], Panel Member
Work-Product [Redacted], Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 7 April 2022.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Blended Retirement System Guidance.
- Exhibit D: Advisory opinion, NGB/A1PP, dated 13 May 2022.
- Exhibit E: Notification of advisory, SAF/MRBC to applicant, dated 17 May 2022.
- Exhibit F: Applicant's response, dated 3 June 2022.
- Exhibit G: Advisory opinion, NGB/A1PP, dated 19 September 2022.
- Exhibit H: Notification of advisory, SAF/MRBC to applicant, dated 24 October 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.

3/25/2024

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