



**CUI//SP-MIL/SP-PRVCY**

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

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**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

*Work-Product*

**DOCKET NUMBER:** BC-2022-02252

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

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**APPLICANT'S REQUEST**

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

**APPLICANT'S CONTENTIONS**

He was not notified of his eligibility for BRS CP until after the 12-year anniversary of his Pay Date had already passed. Through no fault of his own he was unaware of the bonus and the timelines for submitting the BRS CP SOU until his eligibility window expired.

In support of his appeal, the applicant provides an e-mail from his Military Personnel Flight Superintendent, dated 15 July 2022, notifying him of BRS CP.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is an Air National Guard 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 29 December 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 10 February 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" (29 December 2020). MilPDS also shows the applicant's current Date of Separation is 31 May 2025.

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

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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/A1PP, recommends granting the application. On 15 July 2022, the applicant was notified via email from the 145 MPS Superintendent that he was eligible for CP, a mid-career bonus for individuals enrolled in BRS. The email also stated that since the applicant’s CP election period had passed he must submit a BCMR Case if he wants to elect the BRS CP.

Per the DOD BRS Implementation Policy Guide, dated 27 Jan 17, the criteria for AGR eligibility of CP is that the service member has completed not less than 8 and not more than 12 years of service as computed from that member’s pay date, and is eligible to enter into an agreement to serve not less than an additional 3 years. The applicant’s pay date is 29 December 2008, therefore he is now outside the window of eligibility to elect CP. However, in accordance with the Blended Retirement System Continuation Pay Personnel Service Delivery Guide (PSDG), Section B, Paragraph 5b, at approximately 11.5 years of service, as computed by the member’s pay date, eligible Airmen are notified by the servicing MPS of the opportunity to elect the CP. In this regard, it is through no fault of the applicant that he was not notified of his CP eligibility in a timely manner and therefore should be allowed to elect CP.

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 12 October 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 NGB/A1PP and finds a preponderance of the evidence substantiates the applicant's contentions. The Board notes, that the applicant never received the notifications to submit his application for Continuation Pay in accordance with AFI 36-3012, *Military Entitlements* and the *Blended Retirement System Continuation Pay Personnel Service Deliver Guide (PSDG)*. 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 December 2020, the applicant 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 the applicant received a 48-month military service obligation 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-2022-02252 in Executive Session on 6 Dec 22:

<b>Work-Product</b>	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 23 Aug 2022.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Blended Retirement System Guidance.
- Exhibit D: Advisory opinion, NGB/A1PP, w/atchs, dated 29 September 2022.
- Exhibit E: Notification of advisory, SAF/MRBC to applicant, dated 12 October 2022.

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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.

X [Redacted] 1/7/2023  
*Work-Product*

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Board Operations Manager, AFBCMR  
Signed by: [Redacted] *Work-Product*