

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2022-02395

XXXXXXXXXXXXXXXXXX

**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

He was given incorrect guidance by the BRS CP office regarding his eligibility to receive both the CP Bonus and Aviation Bonus (AvB), which resulted in missing the deadline to sign up for the BRS CP Bonus. He is currently receiving his AvB through September 2023 and in late April of 2022 he contacted the BRS CP office regarding CP eligibility and was told that he was ineligible to receive the bonus since he is receiving the AvB.

At the time of this request, he is a little more than three months past the deadline, and he has no malicious intent to try and avoid an Active-Duty Service Commitment (ADSC) for time already served. At this point he would be at the short end of what would be a four-year ADSC extension if the bonus is accepted, and he is actively planning a Permanent Change of Station (PCS) in Jun 23. As such, there would have been no point in passing on accepting BRS CP had he been given the correct information about his eligibility.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is an active-duty Air Force major (O-4).

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 13 May 2010.

According to the Uniformed Services' Blended Retirement System (BRS) Policy, the BRS became effective on 1 January 2018. Any member of the Active Component (AC) of a Uniformed Service who was serving on 31 December 2017 and served in a Uniformed Service for fewer than 12 years as calculated from their PEBD and elected to enroll in the BRS, will be covered under the provisions of the BRS.

On 26 February 2018, according to MilPDS, the applicant opt-in the BRS.

On 27 January 2022, according to the applicant's *BRS Continuation Pay Eligibility Notification*, based on the eligibility criteria for calendar year 2018, he was identified as being potentially eligible to elect BRS CP, provided his election was made prior to the 12<sup>th</sup> anniversary of his "Pay Date" (12 May 2022) and he be able to fulfill a 4-year service commitment at the time BRS CP is offered, as computed from the BRS CP effective date (*effective date is 12-year service anniversary*).

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/DPMSSM recommends denying the application. On 18 January 2022, the applicant was initially notified to acknowledge his eligibility for Continuation Pay via myPers. On 27 January 2022 the applicant acknowledged receipt and was informed to complete the Statement of Understanding. On 13 May 2022, the anniversary of his 12 year Pay Date had passed, and the applicant did not provide the required Statement of Understanding; therefore, he became ineligible for the bonus. While the applicant contends that he spoke with someone from the BRS CP office, he has provided no evidence to support that argument or his application.

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 10 November 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 not the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DP2SSM and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board notes, the applicant was sent the notification via myPers, and he acknowledged receipt on 27 January 2022, but failed to submit a Statement of Understanding prior to the 12-year anniversary of his Pay Date. While the applicant states he was given misinformation from the BRS CP office about his eligibility, he has provided no evidence to support his contentions. Therefore, the Board recommends against correcting the applicant's records.

## **RECOMMENDATION**

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

## **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-2022-02395 in Executive Session on 6 Dec 22:

, Panel Chair  
, Panel Member  
, Panel Member

All members voted against correcting the record. The panel considered the following:

Exhibit A: Application, DD Form 149, w/atchs, dated 8 September 2022.  
Exhibit B: Documentary evidence, including relevant excerpts from official records.  
Exhibit C: Blended Retirement System Guidance.  
Exhibit D: Advisory opinion, AFPC/DPMSSM, w/atchs, dated 1 November 2022.

Exhibit E: Notification of advisory, SAF/MRBC to applicant, dated 10 November 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.