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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

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DOCKET NUMBER: BC-2022-02748

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 provides documentation in the form of a memorandum for record from the 145th Force Support Squadron (FSS) to certify that he was eligible to apply for payment on 7 May 2019 but was not notified by this unit to complete the Statement of Understanding, which should have occurred as outlined in the Blended Retirement System Continuation Pay Air National Guard Personnel Services Delivery Guide dated 1 February 2018. It further states that after thorough review of their records, they are unable to locate supporting documentation for initiation/processing of the BRS continuation payment for the applicant.

The applicant’s complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air National Guard master sergeant (E-7).

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 7 May 2007. 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 17 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” (7 May 2019). MilPDS also shows the applicant’s current Date of Separation is 6 November 2025.

On 28 August 2022, according to “Continuation Pay Statement of Understanding and Election,” provided by the applicant, he requested Continuation Pay. On 12 September 2022, his commander approved his request; however, the request was initiated after the 7 May 2019 anniversary of his 12th year from his Pay Date.

On 7 November 2022, DD Form 4, *Enlistment/Reenlistment Document-Armed Forces of the United States*, shows that the applicant reenlisted for a period of three years and established a new expiration term of service (ETS) of 6 November 2025, thus obtaining the required retainability from his 12th year anniversary date required for Continuation Pay.

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

NGB/A1PP, recommends granting the application. Per the 145th FSS memorandum, the applicant was not provided ample opportunity to elect BRS Continuation Pay on the applicant’s eligibility effective date of 7 May 2019 due to an organizational internal error. The applicant was provided and signed a statement of understanding on 28 Aug 2022, electing to receive BRS Continuation Pay and has enough retainability to fulfill the 48 months.

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 5 December 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 May 2019, 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 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-2022-02748 in Executive Session on 7 Feb 23:

Work-Product	Panel Chair
Work-Product	Panel Member
Work-Product	Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 16 October 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 November 2022.
- Exhibit E: Notification of advisory, SAF/MRBC to applicant, dated 5 December 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.

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AFBCMR Docket Number BC-2022-02748

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