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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-03278

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COUNSEL: Work-Product

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 did not receive the myPers eligibility notification email for Continuation Pay. When speaking with his Career Assistance Advisor (CAA) on 30 November 2022, she inquired why he did not elect Continuation Pay and that his 12-year anniversary date had passed on 30 August 2022. They then logged into myPers and noticed he had an incident in the system, but there was no e-mail sent notifying him that he had a Continuation Pay Statement of Understanding (SOU) due for signature. He then signed the Statement of Understanding and is requesting that the Board grant his request for Continuation Pay.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force Reserve staff sergeant (E-5), who had fewer than 4,320 points as of 31 December 2017. As such, he was grandfathered under the current retirement system but was eligible to opt-in to the Blended Retirement System.

The Military Personnel Data System indicates on 14 October 2018 the applicant elected to opt into the Blended Retirement System. 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" (30 August 2022) and he obtained 48 months of retainability from the effective date.

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

USAF/A1PA, recommends granting the application. The applicant opted into the Blended Retirement System (BRS) on or about 14 October 2018. The applicant stated that he did not receive notification and therefore was not aware of the requirement for the Continuation Pay application to be signed and dated within 90 days from the 12 years of service per the Air Force Personal Service Delivery Guide (PSDG). The records show that the applicant was sent a myPers notification that transmitted to his military and civilian e-mail address listed in myPers and Military Personnel Database System on 5 April 2022, 5 May 2022, 4 June 2022, 4 July 2022, 3 August 2022, 2 September 2022, and 2 October 2022, but took no action. However, a section within the Military Personnel Flight (MPF) should have made further notification to the applicant prior to his 12 years of service anniversary. In addition, it appears that the applicant’s Pay Date was not updated correctly to annotate his break in service, which should reflect 30 October 2010.

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 2 March 2023 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 USAF/A1PA and finds a preponderance of the evidence substantiates the applicant's contentions. The Board notes, that the applicant never received proper notification from his Military Personnel Flight (MPF) to make the election for BRS CP. 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 30 August 2022, 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 service obligation in exchange for the approved Continuation Pay election.

CERTIFICATION

The following quorum of the Board, as defined in Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2022-03278 in Executive Session on 12 September 2023:

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Work-Product Work... Panel Member
Panel Member

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

- Exhibit A: Application, DD Form 149, dated 7 Dec 2022.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Blended Retirement System Guidance.
- Exhibit D: Advisory opinion, USAF/A1PA, dated 2 Mar 2023.
- Exhibit E: Notification of advisory, SAF/MRBC to applicant, dated 2 Mar 2023.

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

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