



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-2023-00066

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 notified on 25 January 2022 about his eligibility for Continuation Pay via an automated myPers email. He acknowledged receipt of the email but was under the impression that the submission date was based on his 12-year service anniversary from entering active duty, which is 25 September 2010. The verbiage in the memo led him to believe that his window to apply for Continuation Pay was between 15 May 2022 - 25 September 2022. Furthermore, his decision to continue his career was influenced by the opportunity to receive the Aviation Bonus (AvB) and Continuation Pay. In this regard, the Aviation Bonus deadline was 31 August 2022, which he submitted on 22 August 2022 and he presumed he had another month to sign up for Continuation Pay, which he submitted on 31 August 2022. Subsequently he was informed by the Total Force Service Center that the suspense date is based on his Pay Date rather than the date he entered active duty. Additionally, he submitted a question to the Total Force Service Center regarding his eligibility for both the Aviation Bonus and Continuation Pay on 19 April 2022, with a follow-up on 19 May 2022, but did not receive a response confirming his eligibility for both until 8 June 2022, which was past the suspense for submission. This hindered his ability to make an informed decision about continuing his career because it was directly influenced by being eligible for both the Aviation Bonus and Continuation Pay.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an active-duty Air Force major (0-4).

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 15 May 2010. 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 8 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" (15 May 2022) and he obtained 48 months of retainability from the effective date.

On 25 January 2022, the applicant received a myPers notification after he acknowledged receipt of his eligibility for Continuation Pay. The notification indicates that he must have completed 12 years of service, as computed from his Pay Date and that he must make the election no later than 12 years of service; however, it does not provide the specific suspense date or what constitutes the applicant's Pay Date.

**AFBCMR Docket Number BC-2023-00066
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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

On 29 August 2022, according to “Continuation Pay Statement of Understanding and Election,” provided by the applicant, he requested Continuation Pay; however, the request was initiated after the 15 May 2022 anniversary of his 12th year from his Pay 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 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/DP2SSM, recommends granting the application. The applicant did not understand their Pay Date and projected their 12-year anniversary based on their Entry on Active Duty (EAD) date of 25 September 2010, and therefore, did not submit the Continuation Pay Statement of Understanding on time. However, the applicant's actual Pay Date is 15 May 2010, resulting in a 15 May 2022 12-year anniversary date. Although the notifications and guidance state 'Pay Date', it can be easily misinterpreted. As such, the evidence shows that they did not understand their Pay Date, which inadvertently resulted in their loss of Continuation Pay benefits.

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 7 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 AFPC/DP2SSM and finds a preponderance of the evidence substantiates the applicant's contentions. The Board notes, that the applicant misunderstood that the 12-year anniversary suspense date for electing Continuation Pay is based on the Pay Date and not his Entry on Active-Duty date. Furthermore, the myPers notification that was sent to the applicant on 25 January 2022 regarding the process for electing Continuation Pay does not provide the specific date or explain what constitutes a member's Pay Date. In this regard, the Board finds it reasonable to assume that if the applicant understood the date he must make the election, he would have done so and views this as a procedural oversight and not as evidence of the applicant's intent to decline Continuation Pay. 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 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 he received a 48-month active-duty service commitment 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-2023-00066 in Executive Session on 9 May 2023:

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 12 December 2022.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Blended Retirement System Guidance.
- Exhibit D: Advisory opinion, AFPC/DP2SSM, w/atchs, dated 3 March 2023.
- Exhibit E: Notification of advisory, SAF/MRBC to applicant, dated 7 March 2023.

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.

11/16/2023

X Work-Product

Board Operations Manager, AFBCMR
Signed by: Work-Product