



CUI//SP-MIL/SP-PRVCY

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-00643

Work-Product

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

His request for BRS CP was denied on 1 March 2023 even though all necessary paperwork was processed and accepted within the 12-year Time-in-Service (TIS) requirement. This included his actual extension via AF FM 1411, *Extension of Enlistment in the Air Force*, the BRS CP Statement of Understanding (SOU), and the CP SOU Election Form.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an active-duty Air Force staff sergeant (E-5).

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 4 January 2011. Since he had less than 12 years of service as of 31 December 2017, he was eligible to opt-in to the BRS and did so on 3 January 2018. Furthermore, under the BRS, the applicant was eligible for Continuation Pay, provided his election was made prior to the 12th anniversary of his "Pay Date" (4 January 2023) and he obtained 48 months of retainability from the effective date.

On 26 October 2022, according to "Continuation Pay Statement of Understanding and Election," provided by the applicant, he requested Continuation Pay and his commander approved his request.

On 2 November 2022, the applicant received a myPers notification (Reference # 221030-000046) from the Air Force Personnel Center (AFPC) Total Force Service Center (TFSC) stating that they received his BRS SOU, but was required to obtain 48 months of retainability and a new date of separation (DOS) of 4 January 2027 within 30 days of his commander's approval of the BRS SOU. The message also stated that the applicant should return and update his case when his DOS was updated and reflected in the virtual Military Personnel Flight (vMPF) system.

On 13 December 2022, according to AF FM 1411, the applicant was approved a 22 month extension of his four year enlistment that he entered on 14 December 2020 for the purpose of "GI Bill or Continuation Pay." As such, he was given a new date of separation (DOS) of 13 October 2026.

According to MilPDS the applicant's current DOS reflects 13 October 2026.

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Controlled by: SAF/MRB
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POC: SAF.MRBC.Workflow@us.af.mil

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On 23 February 2023, the applicant submitted a myPers notification (Reference # 2210223-000075) to the AFPC TFSC stating that his DOS had been updated and is reflected in vMPF; however, on 1 March 2023, the TFSC responded and informed the applicant that the application window closed at the end of his 12-year anniversary pay date and needed to apply for relief with the Air Force Board for the Correction of Military Records (AFBCMR).

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. Although the applicant did not inform AFPC that his DOS was updated prior to the anniversary of his 12-year pay date, it was in fact updated in the system in December 2022. In addition, the applicant completed all actions in a timely manner, but his Military Personnel Flight (MPF) did not calculate 48 months of retainability correctly. In this regard, the applicant's DOS is currently 13 October 2026, but it should reflect 4 January 2027 as advised within the myPers incident 221030-000046. Should the Board elect to grant, the applicant will need to contact their MPF to obtain the additional retainability to cover the four-year period from his 12-year pay date.

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 21 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 completed the BRS CP SOU prior to his 12-year anniversary suspense date. In addition, the applicant showed his intent of fulfilling the four-year service obligation in exchange for CP when he extended his reenlistment. However, the Board further notes that the applicant is approximately three months shy of having the required retainability and with BRS CP approval he will need to supplement his current extension to cover the four-year period from the anniversary of his 12-year pay date. Therefore, the Board recommends correcting the applicant's records as indicated below.
4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that on 26 October 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 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 2.1, considered Docket Number BC-2023-00643 in Executive Session on 20 December 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 2 March 2023.
- 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 18 April 2023.
- Exhibit E: Notification of advisory, SAF/MRBC to applicant, dated 4 May 2023.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

1/10/2024

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Board Operations Manager, AFBCMR
Signed by: USAF