



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-2023-01377

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

He be eligible to receive Continuation Pay (CP) under the Blended Retirement System (BRS).

APPLICANT'S CONTENTIONS

He separated from Active Duty on 2 September 2021 and transitioned immediately to the Air Force Reserve (AFR) on 3 September 2021 with no break in service. He noticed his Career Data Brief (CDB) was incorrect and reflected he had 0 years of Total Active Federal Military Service (TAFMS), 0 years of Satisfactory Service (Sat Svs), and a Retention/Retirement (R/R) Anniversary date of 8 March. A ticket was submitted, and the error has since been fixed to reflect 10 years TAFMS, 12 years Sat Svc and a 10 Jan R/R date; however, fixing his CP election would help him correct his record and continue his commitment to the AFR. In addition, he is currently serving as an Individual Mobilization Augmentee (IMA) and has a Defense Health Agency (DHA) laptop that did not have the latest operating system and therefore he was not receiving notifications to his @health.mil military email or personal email. Furthermore, according to his Leave and Earnings Statement (LES) he has a "Pay Date" that reflects 10 January 2011. On 8 March 2023, he acknowledged and signed his BRS CP Statement of Understanding (SOU); however, if his 12 years of service is calculated by his "Pay Date," he has passed the window to submit his CP election (10 January 2023).

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an AFR Medical Science Corps (MSC) major (O-4).

On 8 March 2011, according to the applicant's DD Form 214, *Certificate of Release or Discharge from Active Duty*, he entered the active duty Air Force and was released on 2 September 2021. He was credited with 10 years, 5 months, and 25 days of net active service.

The Military Personnel Data System (MilPDS) shows the applicant's actual "Pay Date" (also referred to as the Pay Entry Base Date [PEBD]) is 10 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 2 January 2018. Furthermore, under the BRS, the applicant was eligible for CP, provided his election was made prior to the 12th anniversary of his "Pay Date" (10 January 2023) and he obtained 48 months of retainability from the effective date.

On 3 September 2021, according to Reserve Order *Work-Product*, the applicant was appointed as a major in the AFR.

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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 9 March 2023, according to “Continuation Pay Statement of Understanding and Election,” provided by the applicant, he requested CP and on this same date, his commander approved his request; however, the request was signed after the 10 January 2023 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 C.

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.

AIR FORCE EVALUATION

USAF/A1PA, recommends granting the application. The applicant opted into the BRS on or about 9 Mar 2023. The applicant stated he did not receive notifications and therefore was not aware of the requirement for the BRS-CP application to be signed and dated within 90 days from the 12 years of service per the Air Force Personal Service Delivery Guide (PSDG). However, records show the applicant was sent a myPers notification on 11 Aug 2023, 9 June 2022, 31 October 2022, 30 November 2022, and 30 December 2022, which was prior to the applicant's 12 years of service, and he continued to get the notifications on 29 January 2023 and 28 February 2023, but took no action. The applicant did not acknowledge the election until the 9 March 2023, but at that time he was outside the 12-year window of eligibility per his current "Pay Date" of 10 January 2011. However, per AFRC PSDG, a section within the Military Personnel Flight (Traditional Reservist, Air Reserve Technicians and Active Guard Reserve) or Readiness Integration Office (Individual Mobilization Augmentees) should have made further notification to BRS CP Eligible Airman. In this regard, the Readiness Integration Office did not make the appropriate notification. In addition, with the sunset of the myPers legacy system, A1PA is not able to verify if the transmissions were sent to the applicant's e-mail address, and if so, they are not able to identify what e-mail addresses were on file at the time of transmission. Therefore, A1PA recommends approving the applicant's request.

The complete advisory opinion is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 7 February 2024 for comment (Exhibit D) 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/A1 and finds a preponderance of the evidence substantiates the applicant's contentions. The Board notes, the applicant never received the notifications to submit his application for CP in accordance with AFI 36-3012, *Military Entitlements* and the *Blended Retirement System Continuation Pay Personnel Service Delivery Guide (PSDG)*. 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 10 January 2023, 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 military service obligation in exchange for the approved Blended Retirement System Continuation Pay election.

CERTIFICATION

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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-2023-01377 in Executive Session on 13 Feb 24 and 8 Mar 24:

Work-Product [REDACTED] Panel Chair
Work-Product [REDACTED] Panel Member
Work-Product [REDACTED] Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 24 April 2023.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, USAF/A1PA, w/atchs, dated 7 February 2024.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 7 February 2024.

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.

3/11/2024

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