



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-2023-02030

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 did not receive notifications from myFSS regarding his CP because it used his old mail.mil account which stopped forwarding to his health.mil account in early 2023 due to the MedCOI transition. He proactively sought out what paperwork to file and where to file it because he had not received any further guidance from the Air Force about this bonus. He eventually found the pending myFSS action on 15 May 2023. He filed the paperwork, but his bonus was denied because it was filed three days past his 12-year pay date. He intended to serve 20 plus years so he would have completed the paperwork earlier if properly notified. It is an injustice he may lose an entitlement because of limitations with a new Air Force system.

The applicant’s complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving Air Force major (O-4).

According to the Retrieval Applications Web (RAW), the applicant’s Pay Date reflects 13 May 2011, and his date of separation (DOS) reflects 8 August 3888. Since he had less than 12 years of service as of 31 December 2017, he was eligible to opt-in to the BRS. Furthermore, under the BRS, the applicant was eligible for CP, provided his election was made prior to the 12th anniversary of his “Pay Date” (13 May 2023).

For more information, see the excerpt of the applicant’s record at Exhibit B and the advisory at Exhibit C.

APPLICABLE AUTHORITY/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.

In addition, 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. 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”).

For more information, see Exhibit C.

AIR FORCE EVALUATION

AFPC/DPMSSM recommends granting the application. The applicant was initially notified of being eligible for BRS CP on 31 January 2023 via myFSS incident 01056525 to their mail.mil email account. However, due to no response, the AFPC Special Pays (AFPC/DPSTSB) team informed the applicant on 5 June 2023 he was no longer eligible as his 12-year pay date was 13 May 2023. Additionally, the applicant received an erroneous notification via myFSS incident 02071760 on 15 May 2023, which was passed their 12-year pay date. The notification was sent to their health.mil email account. The applicant elected CP and both the applicant and commander signed the SOU on 16 May 2023. DPSTSB responded to the incident on 9 June 2023 informing the applicant with the following: “On 15 May 2023, myFSS BRS-CP erroneously initiated duplicate cases for members who are eligible/ineligible for BRS-CP. If you received a new automated message and had an active case prior to 15 May 2023, please continue to follow steps in your active case. Please disregard the automated email you received from myFSS regarding your new BRS-CP case. Duplicated cases will be closed.” The applicant submitted myFSS incidents 02074625 on 15 May 2023 and 02192444 on 8 June 2023 regarding their CP. DPSTSB team responded to the incidents on 5 June 2023 and 8 June 2023 informing the applicant the only option was to submit an AFBCMR application.

Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice. The applicant did not receive notifications to the correct email account due to mail.mil email addresses no longer being valid. Once the applicant’s email was correct in myFSS the applicant was already passed the 12-year pay date anniversary. As such, DPMSSM recommend granting the relief sought by the applicant as the evidence shows he did not receive ample time to submit the SOU on time, which inadvertently resulted in his loss of CP benefits.

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 15 August 2023 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 AFPC/DPMSSM and finds a preponderance of the evidence substantiates the applicant’s contentions. The Board notes, the applicant was not properly notified or given ample time to submit his BRS CP SOU prior to the 12-year anniversary of his 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 13 May 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 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-2023-02030 in Executive Session on 9 January 2024:

Work-Product **Wor...** Panel Chair
Work-Product **w...** 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 12 June 2023.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFPC/DPMSSM, w/atchs, dated 14 August 2023.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 15 August 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.

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