



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-2023-02134

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 the notification of his eligibility for BRS CP until 15 May 2023, which was after the 10 May 2023 anniversary of his 12-year "Pay Date." As soon as he received the notification, he submitted his BRS CP Statement of Understanding (SOU), since it was after the 12-year anniversary of his "Pay Date," his request was denied.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an active-duty Air Force technical sergeant (E-6).

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 May 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 23 February 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 May 2023) and he obtained 48 months of retainability from the effective date.

On 16 May 2023, according to "Continuation Pay Statement of Understanding and Election," provided by the applicant, he requested CP and on 26 May 2023 the applicant's commander approved the request.

According to MilPDS, the applicant's current Date of Separation (DOS) reflects 14 June 2027 providing him with the four years retainability required for BRS CP approval.

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.

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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 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 notification for Continuation Pay will start 60 days before a member’s 12th year of service.

AIR FORCE EVALUATION

AFPC/DPMSSM (Special Pays), recommends granting the application. On 31 January 2023 and 1 March 2023, the applicant was sent notifications of his eligibility for BRS CP; however, the notifications were sent to an invalid mail.mil email account. Then on 15 May 2023, the applicant was sent an additional notification after his e-mail was corrected in myFSS, which the applicant received and then elected CP; however, the notification was technically in error because the anniversary of his 12-year “Pay Date” had already passed. As such, DPMSSM states there is evidence of an error or injustice as the initial notifications for BRS CP were sent to the wrong e-mail address and the applicant did not have ample time to submit the BRS-CP SOU prior to the cut-off date.

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 28 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. In this regard, the Board finds the applicant was not properly notified 90 days prior to the 12-year anniversary of his "Pay Date." In addition, the Board notes when the applicant did receive the notification it was after the 10 May 2023 cut-off date. Given the applicant showed his intent to accept CP when he signed the BRS CP SOU on 16 May 2023, only six days after he received notification for CP, and the fact he never received the initial notifications, the Board finds the evidence sufficient to grant his request. 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 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-2023-02134 in Executive Session on 13 Feb 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 23 June 2023.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFPC/DPMSSM, w/atchs, dated 21 August 2023.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 28 August 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 4.12.9.



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