



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-2023-02230

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

He was denied his BRS CP; however, he never received the proper notification of eligibility 90-120 days prior to the anniversary of his 12-year "Pay Date." Instead, he was notified just 46 days prior and due to known USAF-wide minimum manning during the months of December and January, he could not get an appointment with his commander's support staff to sign and turn in his BRS-CP election prior to the cut-off date. As such, he missed his window to apply for BRS-CP and is requesting he receive CP.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an active-duty Air Force captain (O-3).

The Military Personnel Data System (MilPDS) shows the applicant's actual "Pay Date" (also referred to as the Pay Entry Base Date [PEBD]) is 3 January 2007. 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 31 December 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" (3 January 2019) and he obtained 48 months of retainability from the effective date.

On 21 November 2018, according to a myPers notification print-out, provided by AFPC/DPMSSM, the applicant was notified of his potential eligibility for BRS CP and on this same date the applicant acknowledged receipt.

On 10 January 2019, according to a "Continuation Pay Statement of Understanding and Election," provided by the applicant, he requested CP and on 14 January 2019 the applicant's commander approved the request.

On 22 January 2019, according to a myPers notification print-out, provided by AFPC/DPMSSM, the applicant was informed by AFPC he was no longer eligible for BRS-CP because his election was not made prior to the 12-year anniversary of his "Pay Date."

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

**AFBCMR Docket Number BC-2023-02230
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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

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

AFPC/DPMSSM (Special Pays), recommends granting the application. On 21 November 2018, the applicant was initially notified of being eligible for BRS CP via myPers incidents 181121-004938 and 181121-004202. The applicant acknowledged receipt of the notification and on 14 January 2019, he submitted his Statement of Understanding (SOU) via myPers incident 190114-013105. Then on 22 January 2019, the AFPC Special Pays team informed the applicant he was no longer eligible as his 12-year pay date (3 January 2019) had passed. Lastly, on 6 February 2019, the applicant submitted another myPers incident 190206-000080 disputing the process; however, there was no response from the AFPC Special Pays team. Although the

applicant did not sign his SOU on or before his 12-year “Pay Date,” he was not informed 90 to 120 days prior to that date and was also not informed of the AFBCMR process within any of the myPers incidents. Furthermore, at the time the applicant applied, the program was new and there was no additional guidance such as the frequently asked questions document to educate service members on the AFBCMR process.

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, while the Board notes it has been nearly four years since the applicant initially applied for BRS-CP, at the time he submitted his request, the program was still new and information regarding the process was lacking. Furthermore, shortly after the applicant’s request for CP was denied he inquired about avenues to correct the error, but he never received a response from the AFPC Special Pays team or was notified of the option to apply to the AFBCMR. 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 3 January 2019, 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-2023-02230 in Executive Session on 13 Feb 24:

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| <i>Work-Product</i> | Panel Chair |
| <i>Work-Product</i> | Panel Member |
| <i>Work-Product</i> | Panel Member |

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 6 July 2023.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.

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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.

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.

