



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-2023-02295

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

Based on the supporting evidence she provided in the form of a memorandum from her servicing Force Support Squadron (FSS), she should have been notified as least 90 days prior to the anniversary of her 12-year "Pay Date" of her eligibility for CP; however, this never happened.

In support of her appeal, the applicant provides a memorandum for record, dated 12 July 2023 from the 116th FSS confirming that she was eligible to apply for BRS CP but never received timely notification of her eligibility.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air National Guard captain (O-3), who had fewer than 4,320 points as of 31 December 2017. As such, she was grandfathered under the current retirement system but was eligible to opt-in to the BRS.

The Military Personnel Data System (MilPDS) indicates on 3 January 2018 the applicant elected to opt-in to the BRS. Furthermore, under the BRS, the applicant was eligible for CP, provided her election was made prior to the 12th anniversary of her "Pay Date" (30 June 2023) and she obtained 48 months of retainability from the effective date.

On 30 June 2023, according to "Continuation Pay Statement of Understanding and Election," provided by NGB/A1, she requested CP and on that same date, her commander approved her request; however, the request was not processed prior to her 30 June 2023 anniversary of her 12th year from her "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.

**AFBCMR Docket Number BC-2023-02295
CUI//SP-MIL/SP-PRVCY**

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

AIR FORCE EVALUATION

NGB/A1P, recommends granting the application. Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice as the applicant was never provided proper notification of her eligibility for CP. The applicant contends she was not notified by her wing before her eligibility date. In support of her appeal, the applicant provides a memorandum from her servicing FSS which states she was eligible to apply for payment on 30 June 2023 but was not notified by the unit to complete the Statement of Understanding (SOU), which should have occurred in accordance with the *Blended Retirement System Continuation Pay Air National Guard Personnel Services Delivery Guide* dated 1 February 2018. Furthermore, when the applicant opted into BRS, she had less than 12 years of service, and based on her “Pay Date” she was eligible for CP.

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 23 October 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 NGB/A1P and finds a preponderance of the evidence substantiates the applicant’s contentions. The Board notes, the applicant never received the notifications to submit her application for CP in accordance with AFI 36-3012, *Military Entitlements* and the *Blended Retirement System Continuation Pay Personnel Service Deliver Guide (PSDG)*. 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 30 June 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; her 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

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-2023-02295 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 13 July 2023.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, NGB/A1P, w/atchs, dated 13 October 2023.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 23 October 2023.

CUI//SP-MIL/SP-PRVCY

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.



AFBCMR Docket Number BC-2023-02295

CUI//SP-MIL/SP-PRVCY