



**CUI//SP-MIL/SP-PRVCY**

**UNITED STATES AIR FORCE  
BOARD FOR CORRECTION OF MILITARY RECORDS**

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**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

*Work-Product*

**DOCKET NUMBER:** BC-2023-02727

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

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**APPLICANT'S REQUEST**

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

**APPLICANT'S CONTENTIONS**

He was deployed to an undisclosed location with Central Command (CENTCOM) from 6 January 2023 through 1 June 2023 and never received the BRS CP notifications to his deployed e-mail account. While he submitted his application for BRS-CP on 8 August 2023, his application was denied because it was not received prior to the anniversary of his May 2023 12-year "Pay Date."

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is an active-duty Air Force lieutenant colonel (O-5).

The Military Personnel Data System (MilPDS) shows the applicant's actual "Pay Date" (also referred to as the Pay Entry Base Date [PEBD]) is 26 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 14 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" (26 May 2023) and he obtained 48 months of retainability from the effective date.

According to a travel voucher provided by the applicant, he was deployed to a Joint Area of Operation (JOR) from 6 January 2023 through 26 May 2023.

On 8 August 2023, according to "Continuation Pay Statement of Understanding and Election," provided by AFPC, he requested CP and on this same day his commander approved his request.

On 9 August 2023, according to a myFSS e-mail from the Continuation Pay team, and provided by the applicant, his request for BRS CP was denied, because he did not sign the CP Statement of Understanding prior to the anniversary of his 12-year "Pay Date" (26 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**

**AFBCMR Docket Number BC-2023-02727  
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Controlled by: SAF/MRB  
CUI Categories: SP-MIL/SP-PRVCY  
Limited Dissemination Control: N/A  
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**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 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. Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice. The applicant was sent notifications to his health.mil e-mail account for BRS CP eligibility on 31 January 2023, 1 March 2023, and 15 March 2023; however, he did not receive the notifications because he was deployed at the time. Once the applicant returned from his deployment and elected CP, he had already passed the anniversary of his 12 year “Pay Date.”

The complete advisory opinion is at Exhibit C.

## **APPLICANT’S REVIEW OF AIR FORCE EVALUATION**

**AFBCMR Docket Number BC-2023-02727**

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The Board sent a copy of the advisory opinion to the applicant on 10 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 AFPC/DPMSSM and finds a preponderance of the evidence substantiates the applicant's contentions. The Board notes at the time the notifications for BRS-CP were sent to the applicant he was deployed and never received the notifications. Furthermore, the applicant has since completed the CP Statement of Understanding and is willing to commit to the four-year military service obligation in exchange for CP. 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 26 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-2023-02727 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 15 August 2023.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFPC/DPMSSM, w/atchs, dated 3 October 2023.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 10 October 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.

