



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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-03012

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

On 31 March 2023, he elected to receive BRS CP through the myFSS portal, and on 12 April 2023, his commander concurred with his request. He initiated an extension with his Military Personnel Flight (MPF) to comply with retainability requirements, but was informed he was not eligible to extend due to the fact he was undergoing a Medical Evaluation Board (MEB). He sought assistance from his MPF and was informed he could reenlist if he received a waiver from his commander. His waiver was approved and he reenlisted on 8 June 2023; however, his BRS CP Statement of Understanding (SOU), dated 31 March 2023, expired. He submitted a new SOU on 9 June 2023. While he received notification the SOU was awaiting approval from his commander, it was overdue, and he has not received his CP.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving Air Force staff sergeant (E-5).

The Military Personnel Data System (MilPDS) shows the applicant's Pay Date (also referred to as the Pay Entry Base Date [PEBD]) is 7 June 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 4 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 (7 June 2023) and he obtained 48 months of retainability from the effective date.

On 31 March 2023, according to *Continuation Pay Statement of Understanding and Election*, the applicant requested CP, and on 12 April 2023, his commander approved his request.

On 6 June 2023, according to Exception to Policy memorandum, provided by the applicant, the applicant's commander notified the Force Support Squadron the applicant's Deployment Availability Code (DAV) 42 for undergoing an MEB was waived for the purpose of reenlistment and his medical condition does not interfere with his assigned duties. The memorandum further states should the applicant be separated from the Air Force upon conclusion of his MEB, he may be required to recoup his CP pro-rated to service not fulfilled.

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Controlled by: SAF/MRB

Limited Dissemination Control: N/A

POC: SAF.MRBC.Workflow@us.af.mil

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On 8 June 2023, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant reenlisted for an unspecified number of years until his High Year of Tenure (HYT) for the purpose of “Post 9/11 GI Bill/Continuation Pay.” According to MilPDS, the applicant’s HYT is 7 June 2031.

On 9 June 2023, according to *Continuation Pay Statement of Understanding and Election*, the applicant submitted a second request for CP, and on that same date, his commander approved his request. However, the applicant’s request was signed after the 12th anniversary of his Pay Date (7 June 2023).

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

APPLICABLE AUTHORITY/GUIDANCE

Public Law 114-92, Fiscal Year (FY) 2016 National Defense Authorization Act (NDAA), Sections 631 through 635; amended in Public Law 114-80, FY 2017 National Defense Authorization Act. 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 FY 2016 NDAA. This system, called the Blended Retirement System (BRS), combines the traditional legacy retirement pension, also known as a defined benefit, with a defined contribution benefit into a Thrift Savings Plan. The BRS went into effect on 1 January 2018. Service members of the active component with fewer than 12 years of service as of 31 December 2017, calculated from their PEBD (Pay Date), and members of the Air National Guard (ANG) or Air Force Reserve (AFR) who have accrued fewer than 4,320 points as of 31 December 2017, are grandfathered under the current retirement system but may opt-in to the BRS.

AFI 36-3012, *Military Entitlements*, Chapter 4, Continuation Pay; Personnel Services Delivery Guide (PSDG), *Blended Retirement System (BRS) Continuation (CP) Execution, Organization, and Responsibilities*. Members of the Uniformed Services, who are covered by the BRS, 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 Regular Air Force Airmen, the multiplier is 2.5 and for ANG or AFR Airmen, the multiplier is 0.5. Service members eligible to receive CP must have completed not less than 8 and not more than 12 years of service, as computed from the member’s PEBD. In addition, the member must complete the Statement of Understanding and Election (SOU), obtain commander’s approval, and commit to a four year military service obligation. The election for CP 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 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 myPers Continuation Pay Fact Sheet states notification for CP will start 60 days before a member’s 12th year of service.

AIR FORCE EVALUATION

AFPC/DPMSSM (Special Pays) recommends granting the request. Based on the documentation provided and analysis of the facts, there is evidence of an error or injustice. On 31 March 2023, the applicant requested CP, and on 12 April 2023, his commander approved his request. The

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applicant was advised he needed to obtain 48 months retainability within 30 days of the commander's signature date on the SOU, and he submitted a case in myFSS (formerly myPers) inquiring about the waiver process to obtain the required retainability. The applicant and his commander then signed another SOU, which may have resulted from an erroneous duplicate BRS CP case. Subsequently, the applicant obtained the required retainability, but it was not completed within the 30-day timeframe. Since the applicant's initial SOU was completed prior to the anniversary of his 12th year of service and he obtained the required retainability, they recommend approving his request due to confusion caused by the application 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 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 applicant was eligible for BRS CP and made a timely election to participate but failed to obtain retainability within the required period. Evidence shows the applicant sought assistance from his MPF to comply with regulatory guidance and that confusion and errors in the administrative process delayed his timely reenlistment. 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 12 April 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 1.5, considered Docket Number BC-2023-03012 in Executive Session on 8 February 2024:

[REDACTED], Panel Chair
[REDACTED], Panel Member
[REDACTED], Panel Member

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

[REDACTED]

Exhibit A: Application, DD Form 149, w/atchs, dated 23 August 2023.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory opinion, AFPC/DPMSSM, w/atchs, dated 5 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 4.11.9.

5/5/2025

X [REDACTED]

Board Operations Manager, AFBCMR

Signed by: [REDACTED]