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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-03129

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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

When he initially submitted his application, he mistakenly routed it to his supervisor for approval rather than his commander as required. He attempted to re-submit with his commander selected as the approval authority; however, the system would not allow him to retrieve or alter his application. In addition, he was on paternity leave for an extended period during this time. When he returned he discovered his application had been denied as he had gone beyond the 12-year anniversary of his "Pay Date" without commander approval.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an active-duty Air Force major (O-4).

The Military Personnel Data System (MilPDS) shows the applicant's Pay Date (also referred to as the Pay Entry Base Date [PEBD]) is [REDACTED] Work-Product. 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 3 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 (12 August 2023) and he obtained 48 months of retainability from the effective date.

On 15 May 2023, according to myFSS thread, provided by AFPC, the applicant was initially notified of his eligibility for BRS-CP; on 9 Aug 2023, the applicant successfully elected CP and his application was forwarded to his commander for approval; on 6 September 2023, the applicant's request was denied, because he passed the anniversary of his 12-year 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

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

AFBCMR Docket Number BC-2023-03129

Work-Product

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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 Pay (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 denying the application. Based on a review of the documentation provided and analysis of the facts, there is no evidence of an error or injustice. The applicant was initially notified of his eligibility for BRS CP on 15 May 2023 via myFSS. On 9 August 2023, the applicant elected CP and the notification was sent to the individual listed as the commander. On 11 August 2023, another notification was sent to the applicant notifying him his commander had not coordinated on the application, and on 18 August 2023, the applicant responded stating the application needed to be routed to a different individual (commander). On 6 September 2023, the AFPC Special Pays team notified the applicant he was no longer eligible since he passed the anniversary of his 12-year Pay Date (12 Aug 23) and he would need to submit a request for correction to the AFBCMR. Appropriate notifications were sent to the applicant, but he failed to complete the process within the time required. The applicant contends he was on paternity leave during this time but provided no documentation to support his claim.

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 3 November 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. While the Board notes the recommendation of AFPC/DPMSSM to deny the request, the Board finds the evidence substantiates the applicant's contentions. In this regard, the applicant signed the SOU prior to the 12 year anniversary of his Pay Date; however, due to an error in the administrative process, his application was misrouted and did not receive commander approval within the required timeframe. 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 9 August 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-2023-03129 in Executive Session on 8 February 2024:

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nel Chair
Panel Member
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All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, dated 25 September 2023.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFPC/DPMSSM, w/atchs, dated 2 November 2023.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 3 November 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.

5/9/2025

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