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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-03340

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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

Due to multiple roadblocks his BRS CP was not approved; however, he received a four-year service commitment for the purpose of CP. One of the reasons he opted-in to the BRS was for the CP bonus and he would like to either receive the bonus or have the service commitment removed from his record.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an active-duty Air Force technical sergeant (E-6).

The Military Personnel Data System (MilPDS) shows the applicant's "Pay Date" (also referred to as the Pay Entry Base Date [PEBD]) is 20 September 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 8 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" (20 September 2023) and he obtained 48 months of retainability from the effective date.

On 19 July 2022, according to AF Form 1411, *Extension of Enlistment in the Air Force*, the applicant received a 44-month extension to his current enlistment for the purpose of "GI Bill or Continuation Pay" and his Date of Separation (DOS) was extended from 12 September 2022 to 12 May 2026.

On 11 July 2023, according to "Continuation Pay Statement of Understanding and Election," provided by the Air Force Personnel Center Special Pays office (AFPC/DPMSSM), the applicant requested CP and on 12 July 2023 his commander approved his request.

On 26 September 2023, a myFSS notification, provided by the applicant, indicates the BRS CP Team denied the applicant's request for CP, because he did not obtain four years of retainability from the anniversary of his 12 year "Pay Date" (20 September 2023) as his current DOS reflects 11 May 2026. In addition, he was informed that he must obtain retainability within 30 days of his commander signing his BRS Statement of Understanding (SOU).

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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.

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 24 May 2023, the applicant was initially notified of his BRS CP eligibility via myFSS. On 11 July 2023, the applicant elected CP and his commander approved the request on 12 July 2023. However, due to the applicant's DOS at the time, he needed to obtain 48 months retainability (20 September 2027) from his BRS effective date (20 September 2023). The applicant responded on 8 August 2023

requesting more time as he was away on a temporary duty assignment. On 11 August 2023, the Special Pays team notified the applicant he needed to obtain the required retainability within 30 days of the commander's signature of his SOU. On 18 September 2023, the applicant responded stating all documents were submitted to his Military Personnel Flight. Then on 22 September 2023, Special Pays mistakenly informed the applicant they received the required retainability and his application for CP would be effective on his 12-year mark. In this regard, the Special Pays team should have informed the applicant he did not have sufficient retainability and provide him guidance on obtaining the additional service commitment required.

Based on the documentation provided and analysis of the facts, there is evidence of an error or injustice. The applicant signed the SOU prior to his 12-year "Pay Date" anniversary and although he did not obtain the full 48-month retainability commitment, he was improperly advised by AFPC. As such, they recommend approving the applicant's request.

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. 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 applicant's extension in July 2022 for 44 months did not meet policy requirements to qualify him for BRS CP and he failed to obtain the full retainability commitment as required. However, the applicant was misinformed when AFPC advised him he met the retainability requirements and accepted his BRS CP application. The Board notes the applicant attempted to comply with regulatory guidance and likely would have taken action to correct the retainability deficit had he been properly counseled. The Board finds sufficient evidence to grant the applicant's request upon the applicant obtaining the additional retainability required for BRS CP approval. 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 July 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-2023-03340 in Executive Session on 8 February 2024:

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Work-Product Panel Chair
Work-Product Panel Member
Work-Product Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 6 October 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.

9/10/2024

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