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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

Work-Product

DOCKET NUMBER: BC-2023-03604

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

In February 2022 she received an email from the myPers system regarding the program, but without proper explanation on how it worked. At the time she was serving on a short tour in Korea and her leadership, finance office, and Force Support Squadron agencies did not have further information to provide. In addition, the timelines described appeared to place her outside of the window of eligibility as her retirement date was used to calculate her 12-year anniversary rather than her pay date. So, while she acknowledged receipt of the notification, she did not opt in or out of the program. She recently reached out to her local finance office to learn more about the program and was directed to an online video explaining how it worked. She further notes there is very little public information about the BRS CP program, and her leadership and finance office are not well versed. Initially, her finance office was not even certain such a program existed. Now that she understands how the program works, she would like to receive her CP and believes this program needs to be better advertised and explained to those eligible for it.

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 actual "Pay Date" (also referred to as the Pay Entry Base Date [PEBD]) is 18 June 2010. Since she had less than 12 years of service as of 31 December 2017, she was eligible to opt-in to the BRS and did so on 13 December 2018. Furthermore, under the BRS, the applicant was eligible for CP, provided her election was made prior to the 12th anniversary of her "Pay Date" (18 June 2022) and she obtained 48 months of retainability from the effective 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.

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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 denying the application. The applicant was notified of her eligibility via myPers on 9 February 2022, 16 February 2022, 18 February 2022, and 23 February 2022. On 24 February 2022, the applicant acknowledged receipt of her option to elect CP and was advised to complete the CP Statement of Understanding (SOU). On 30 October 2023, the applicant responded to the case stating she was unaware of the program and requested her case be reopened. Since the applicant was past her 18 June 2022 anniversary of her 12-year “Pay Date,” AFPC denied the request on 31 October 2023. Therefore, based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice. The applicant was sent system notifications regarding her eligibility, and she has now passed the anniversary of her 12-year “Pay Date.”

The complete advisory opinion is at Exhibit C.

APPLICANT’S REVIEW OF AIR FORCE EVALUATION

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The Board sent a copy of the advisory opinion to the applicant on 8 December 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 not 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 does not substantiate the applicant’s contentions. The Board notes, the applicant was sent five notifications via myPers of her eligibility to elect CP and the applicant even acknowledged receipt but did not submit the CP SOU prior to her 12-year anniversary of her “Pay Date.” Furthermore, it has been over a year since the applicant acknowledged CP notification and the Board does not find her situation unique compared to others who have managed to understand the program and submit a timely application to elect CP. Therefore, the Board recommends against correcting the applicant’s records.

RECOMMENDATION

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

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-2023-03604 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 against correcting the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, dated 31 October 2023.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFPC/DPMSSM, w/atchs, dated 29 November 2023.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 8 December 2023.

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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.

4/24/2024

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