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

**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2023-03671

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**COUNSEL:** NONE

**HEARING REQUESTED:** NO

**APPLICANT'S REQUEST**

Her retirement plan be changed from the traditional "High-3" to the Blended Retirement System (BRS).

**APPLICANT'S CONTENTIONS**

She reenlisted in April of this year after receiving a BRS Continuation Pay (CP) Statement of Understanding (SOU) via myFSS. Prior to entering her enlistment, she contacted the Military Personnel Flight (MPF) and Air Force Personnel Center (AFPC) to verify that everything was good to go for her to receive CP. It was not until after she entered her new enlistment that she was notified via myFSS, that she was ineligible to reenlist for the purpose of BRS-CP. She contacted her MPF asking what she needed to do to correct her enlistment but was told that her reenlistment was valid and to contact AFPC. After further communication from AFPC it was suggested to get her retirement plan backdated to reflect BRS in order to validate her reenlistment.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is an Air Force staff sergeant (E-5).

The Military Personnel Database (MilPDS) reflects the applicant's retirement plan as traditional "High-3." However, based on the applicant's "Pay Date" of 12 Jul 11, she had less than 12 years of service as of 31 Dec 17 and was eligible to opt into the BRS. On 13 Mar 17, the applicant acknowledged she was eligible for the BRS and completed the training on 23 Mar 17. As such, the applicant was given the standard BRS opt-in window which started on 1 Jan 18 and expired on 31 Dec 18, but the system does not show that she opted into the BRS.

On 16 Nov 20, according to AF Form 1411, *Extension of Enlistment in the Air Force*, the applicant extended her enlistment entered on 30 Apr 19 by a period of 25 months. This gave the applicant an Expiration Term of Service (ETS) or Date of Separation (DOS) of 29 Jul 23.

On 12 Apr 23, the applicant signed AF Form 901, *Reenlistment Eligibility Annex to DD Form 4*, and shows in Block IV(B) that the authority for the request is AFI 36-2606, Table 5.8, "Rule 6 - 2nd/Career Arnn to get retain for Post 9/11 GI Bill/Continuation Pay under BRS." However, Block IX, *Remarks*, states "Corrected Copy...Changes reason for Reenlistment (Block IV(B)) from 'Rule 6 - 2nd/Career Arnn to get retain for Post 9/11 GI Bill/Continuation Pay under BRS' to 'Rule 8 - within the 90-day period before ETS.' No other changes to the AF901 or DD4 were made under this action. Confirms member's election to retain this reenlistment executed on 20230413 for 4

**AFBCMR Docket Number BC-2023-03671**

Work-Product

Work-Product

years and 3 months for BRS eligibility requirements; which was later determined not to be eligible for BRS.”

On 13 Apr 23, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant reenlisted for a period of 4 years and 3 months.

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

#### **APPLICABLE AUTHORITY/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 Jan 17, 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 Jan 18. Service members who enter the Uniformed Services on or after 1 Jan 2018, are automatically enrolled in the Blended Retirement System.

Active component Service members with 12 years (or more) of service prior to 31 Dec 17, and National Guard and Reserve service members who have accrued more than 4,320 retirement points as of 31 Dec 17, are grandfathered under the legacy retirement system and their current retirement plan will not change.

Active component Service members with fewer than 12 years of service as of 31 Dec 17, 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 Dec 17, are also grandfathered under the current retirement system but may choose to opt-in to the Blended Retirement System. Service members who chose to enroll had to affirm on the myPay website that they had completed the mandatory training and acknowledge that the decision to enroll in the Blended Retirement System is irrevocable. The opt-in window for most Airmen closed on 31 Dec 18.

#### **AIR FORCE EVALUATION**

AFPC/DP3SA recommends denying the application. The applicant’s Date Initially Entered Military Service (DIEMS) date is 12 July 11 and based on this was correctly enrolled in the “High-3” retirement plan but had the option to elect the BRS retirement plan prior to 31 Dec 18. According to the MilPDS the “BRS Acknowledgement Date” block reflects that on 13 Mar 17 she acknowledged her eligibility to make an election, but the “BRS Opt-in Election Date” block does not reflect a date that an election was complete. A review of the Master Military Pay Account (MMPA) also indicates that her pay file reflects a retirement plan as “High-3.” Based on her acknowledging eligibility back on 13 Mar 17 she was aware of the opportunity to make an election. However, based on MilPDS and her pay file she is under the “High-3” retirement plan, which would have changed to the BRS plan if election was completed.

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 8 Jan 24 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/DP3SA and finds a preponderance of the evidence does not substantiate the applicant's contentions. While the applicant received an e-mail notifying her about the BRS-CP it clearly states that it is for individuals enrolled in the BRS and she is under the traditional "High-3" retirement plan. The Board notes that the applicant completed the BRS training and acknowledged her eligibility to opt into the BRS on 13 Mar 17; however, she has provided no evidence that she attempted to change her retirement plan and opt-into the BRS prior to her 31 Dec 18 expiration window. As such, the applicant remained under the traditional "High-3" retirement plan and is not eligible for BRS-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-2023-03671 in Executive Session on 10 Sep 24:

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All members voted against correcting the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 14 Dec 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 27 Dec 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 8 Jan 24.

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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.

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**AFBCMR Docket Number BC-2023-03671**

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