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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-03831

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

He be eligible to receive his Continuation Pay (CP) under the Blended Retirement System (BRS).

APPLICANT'S CONTENTIONS

He requests his BRS CP Statement of Understanding (SOU) that was signed prior to the anniversary of his 12-year "Pay Date" be accepted. When it was signed by his commander he did not know where to upload. He contacted his Military Personnel Flight (MPF), Airman and Family Readiness (A&FR) BRS counselor and his local finance office, but due to the infancy of the program, he got the run around and none of them seemed to know how to process a request for CP. However, he was eventually told by the A&FR counselor he needed to confirm the election e-mail and he would receive the pay. In addition, the counselor told him there could be a backlog at DFAS and he would need to wait until later in the year to see if his paycheck reflected the CP bonus. He then had a Permanent Change of Station (PCS) and on 7 Feb 23 he opened a myFSS case, but he has not received a response.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

The Military Personnel Data System (MilPDS) shows the applicant's actual "Pay Date" (also referred to as the Pay Entry Base Date [PEBD]) is 29 Nov 10. Since he had less than 12-years of service as of 31 Dec 17, he was eligible to opt-in to the BRS and did so on 1 Jan 18. Furthermore, under the BRS, the applicant was eligible for CP, provided his election was made prior to the 12th anniversary of his "Pay Date" (29 Nov 22) and he obtained 48 months of retainability from the effective date.

On 15 Jul 22, according to AF Form 1411, *Extension of Enlistment in the Air Force*, the applicant extended his 26 May 22 enlistment of four years and one month by an additional 12 months for the purpose of "GI Bill or Continuation Pay." As such, the applicant received a new Date of Separation (DOS) of 25 Jun 27, providing him the retainability required for BRS-CP approval.

On 28 Jul 22, according to "Continuation Pay Statement of Understanding and Election," provided by the applicant, he requested CP and on 5 Aug 22, his commander approved his request, which was prior to the anniversary of his 12th year from his "Pay Date."

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

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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 PEBD (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 granting the application. Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice. The applicant’s 12-year “Pay Date” anniversary was on 29 Nov 22. On 14 Jul 22, the applicant was initially notified of his BRS CP eligibility via myPers case **Work-Product** (now myFSS case **Work-Product**). Additional notifications were sent on 21 Jul 22, 28 Jul 22, 4 Aug 22, and 11 Aug 22. While the applicant did not act within the case, he provided a copy of his signed SOU which reflects his commander approved and signed the SOU on 5 Aug 22. The applicant updated his case on 21 Jul 23, 7 Aug 23, 27 Sep 23, and 27 Oct 23 asking where to upload the SOU since myFSS was a newer system. The AFPC Special Pays team (AFPC/DPSTSB) did not advise the

applicant within this case; however, on 8 Jun 23, they responded to his myFSS case **Work-Product** and informed him that he was ineligible since the anniversary of his 12-year “Pay Date” had passed.

Although the applicant did not act within the myPers/myFSS case, he had a signed SOU prior to the anniversary of his 12-year “Pay Date and has the required retainability to fulfill the 48-month commitment. Therefore, DPMSSM recommends granting the relief sought by the applicant.

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 17 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 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 Board notes, the applicant extended his enlistment for the specific purpose of CP and his commander signed and approved his request via the required SOU prior to the anniversary of his 12-year “Pay Date.” Given the applicant reenlisted for the purpose of CP and obtained the required retainability, the Board believes he met the intent of the program and a procedural oversight should not preclude him from receiving the CP. Therefore, the Board recommends correcting the applicant’s records as indicated below.
4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board’s understanding of the issues involved.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show on 29 November 2022, the applicant submitted a timely and effective Blended Retirement System 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 2.1, considered Docket Number BC-2023-03831 in Executive Session on 9 Jul 24:

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

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Exhibit A: Application, DD Form 149, w/atchs, dated 22 Nov 23.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory opinion, AFPC/DPMSSM, w/atchs, dated 10 Jan 24.

Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 17 Jan 24.

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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