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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-03891

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

He transferred from the US Army to the US Space Force on 13 Oct 22 and the anniversary of his 12-year "Pay Date" was 10 Jan 23. Upon transfer he should have received an e-mail from myFSS notifying him of his eligibility to apply for the BRS-CP; however, he was not informed until after his eligibility window had passed. In addition, he has already re-enlisted for six years and therefore he currently has the retainability to meet the additional service obligation required for receiving the BRS-CP.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a Regular Space Force staff sergeant (E-5).

On 12 Oct 22, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant was honorably discharged from the Army in the grade of sergeant (E-5) and credited with 11 years, 9 months and 3 days of active service.

On 13 Oct 22, according to DD FM 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant enlisted as a staff sergeant in the Space Force.

The Military Personnel Data System (MilPDS) shows the applicant's actual "Pay Date" (also referred to as the Pay Entry Base Date [PEBD]) is 10 Jan 11. Since he had less than 12 years of service as of 31 Dec 17, he was eligible to opt-in to the BRS and MilPDS reflects an opt-in date of 13 Oct 22. Furthermore, under the BRS, the applicant was eligible for CP, provided his election was made prior to the 12th anniversary of his "Pay Date" (10 Jan 23) and he obtained 48 months of retainability from the effective date.

On 29 Sep 23, according to DD FM 4, the applicant reenlisted in the Space Force for a period of six years.

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

APPLICABLE AUTHORITY/GUIDANCE

AFBCMR Docket Number BC-2023-03891

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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 10 Jan 23. Due to the applicant’s transfer from the Army to the Space Force, the applicant’s retirement plan was incorrectly reflecting he was under the High 3 instead of the BRS. As such, the applicant did not receive the proper CP notifications of his eligibility for CP prior to the cut-off date.

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 22 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, that due to an administrative oversight with his transfer from the Army to the Space Force, his retirement pay plan incorrectly reflected High-3 instead of the BRS election he made while serving in the Army. This in turn prevented the applicant from receiving any of the required BRS CP eligibility notifications prior to the anniversary of his 12-year "Pay Date" and precluded him from electing CP. 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 on 10 January 2023, 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-2023-03891 in Executive Session on 9 Jul 24:

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 28 Nov 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFPC/DPMSSM, w/atchs, dated 19 Jan 24.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 22 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.

9/30/2024

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