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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-03952

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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 requested BRS-CP around 18 Oct 21 when he switched over to the BRS and was told payment would be received around his 12-year mark and not immediately; however, he was recently informed his request was never processed. While he completed 12 years of service on 18 Oct 23, he has been told he is now ineligible because he is 42 days past his 12-year anniversary date. As such, he was instructed by the AFPC CP Team to file with the AFBCMR for relief.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a Regular Air Force technical sergeant (E-6).

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 Oct 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 did so on 28 Dec 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" (18 Oct 23) and he committed to a four-year military service obligation from the CP effective date. In addition, MilPDS shows the applicant's current Date of Separation (DOS) is 14 Dec 26.

On 29 Jun 23, according to myFSS notification case **Work-Product** provided by AFPC/DPMSSM, the applicant was notified via e-mail of his eligibility for BRS-CP with instructions to "accept" or "decline." On 29 Nov 23, the applicant received an additional notification that his application window closed at the end of his 12-year pay date.

On 10 Jun 24, the applicant signed a "Promotion Statement of Understanding" and accepted his promotion to master sergeant (E-7) in exchange for a two-year ADSC prior to the effective date of promotion.

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

APPLICABLE AUTHORITY/GUIDANCE

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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 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.

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.

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 Mar 21, “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 and according to DAFI 36-3012, paragraph 2.4.3.4. AFPC will “notify Airmen and Guardians of their eligibility for continuation pay at least 60 days prior to the member’s 12-year pay date.”

AIR FORCE EVALUATION

AFPC/DPMSSM 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 “Pay Date” is 18 Oct 11 and he has a date of separation (DOS) of 14 Dec 26. Based on the applicant’s “Pay Date,” his 12-year anniversary date to make the election occurred on 18 Oct 23. On 29 Jun 23, the applicant was sent an initial e-mail via myFSS case **Work-Product** notifying him of his eligibility to elect BRS-CP, but no election was made. On 29 Nov 23 the case was closed and the applicant was informed that he was no longer eligible as his 12-year “Pay Date” anniversary

had passed. However, the myFSS system only sent out the initial notification and failed to send out additional notifications every month until the applicant's 12-year "Pay Date" anniversary.

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 7 Aug 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 only received a single e-mail notification regarding his eligibility for BRS-CP and the myFSS system failed to send any follow-up notifications. In addition, the Board recognizes the program is still being introduced and there is confusion surrounding the opt-in procedures and requests for CP. As such, the applicant's failure to sign the SOU prior to his 12-year Pay Date anniversary should be regarded as a procedural defect only and should not preclude him from receiving the bonus. 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 18 October 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-2023-03952 in Executive Session on 10 Sept 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 29 Nov 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPMSSM, w/atchs, dated 7 Aug 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 7 Aug 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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