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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-00210

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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 was a prior enlisted member who separated from the Air Force Reserve (AFR) in Jun 22 and then commissioned into the active-duty Air Force in Sept 23. She has approximately 1765 retirement points and in accordance with page seven of the BRS Guide it states for Reserve members, "If you have a break in service, rejoin after the 2018 calendar year opt-in window and have fewer than 4,320 retirement points, you have 30 days to choose the BRS or remain in the legacy retirement system." For the active-duty members it states, "If you have a break in service, rejoin after the 2018 calendar year opt-in window and still meet the less than 12 years of service criteria, you will have 30 days to choose the BRS or remain in the legacy retirement system." As such, according to both Reserve and active-duty criteria she should be eligible to opt into the BRS.

In addition, according to the Opt-In Extension information on myFSS it states following an accession with commission dates after 1 Dec 18, members should fall under the Automatic Extension of the Opt-In window. While she tried to opt into the BRS after commissioning and filed the Opt-In Extension via myFSS, the Total Force Service Center (TFSC) denied her request because she did not acknowledge the retirement program in 2017 or take any action. She believes that in accordance with the BRS Guide and the myFSS website her circumstances should allow her to opt-into the BRS.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force second lieutenant (O-1).

According to the applicant's Statement of Service, dated 30 Oct 23, she enlisted in the AFR on 9 Jun 09 and was discharged on 16 Jun 22.

On 29 Sep 23, according to AF Form 133, *Oath of Office*, the applicant was appointed a second lieutenant in the Regular Air Force.

The Military Personnel Data System (MilPDS) reflects the applicant's retirement plan as traditional "High-3." However, based on the applicant's "Pay Date" of 21 Sep 10, she had less than 12 years of service as of 31 Dec 17 and was eligible to opt into the BRS. On 23 Sep 17, the

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applicant acknowledged she was eligible for the BRS and completed the training on 2 Dec 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 she opted into the BRS.

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.

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. Service members who enter the Uniformed Services on or after 1 January 2018 are automatically enrolled in the Blended Retirement System.

Active component Service members with 12 years (or more) of service prior to 31 December 2017, and National Guard and Reserve service members who have accrued more than 4,320 retirement points as of 31 December 2017, 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 December 2017, 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. 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 December 2018.

Hardship Extensions of Enrollment Period.

In accordance with Section 631 of P.L. 114-92, the Secretary concerned may extend the election period for enrollment in the BRS for a member of a Uniformed Service who experiences a hardship. This authority is limited to extending the time period for enrollment in the BRS and does not provide authority to expand or change the categories of eligibility listed in paragraphs 6.b.(2) through 6.b.(6), nor does it create the authority to enroll an otherwise eligible member who had the opportunity to elect to enroll in the BRS during 2018 but who chose not to do so, nor does it allow for retroactive TSP contributions. Specified hardships are classified as either automatic or discretionary, and may be executed in accordance with the following procedures:

Automatic Extensions. An automatic hardship extension of 30 days may be granted and executed by any command upon determination by the local commander (O-6 or above or civilian equivalent) that the member of the Uniformed Service was:

(a) A member of the Individual Ready Reserve or the Active Status List of Standby Reserve who was performing reserve component service as of 31 Dec 17... but who did not perform duty in a paid status during the enrollment period and has not previously been afforded the opportunity to elect to enroll in the BRS.

(b) An officer who is commissioned through an academy of one of the Uniformed Services or Senior Reserve Officer Training Corps of one of the Uniformed Services, may make the election to enroll in the BRS within 30 days of that officer's first day performing actual duty if that officer is eligible to make the election under the provisions outlined in paragraph 6.b.(5) and has a commissioning date on or after 1 Dec 18.

AIR FORCE EVALUATION

AFPC/DP3SA recommends denying the application. The applicant's Date Initially Entered Military Service (DIEMS) date is 9 Jun 09 and was correctly enrolled in the "High-3" retirement plan. MilPDS reflects in the "BRS Acknowledgement Date" block she acknowledged eligibility to do an election on 23 Sept 17 while in the Reserve. Also, she completed the online BRS training course in Dec 17. Furthermore, the MilPDS "BRS Opt-in Election Date" block does not indicate an election was completed and her Master Military Pay Account (MMPA) pay file indicates her retirement plan as "High-3."

The BRS Personnel Services Delivery Guide (PSDG) and Office of the Secretary of Defense (OSD) Implementation guidance reflect the BRS election period ran from 1 Jan 18 through 31 Dec 18. After the enrollment period closed, individuals were allowed to request a "Hardship" extension of the enrollment period if eligible based on Section D, paragraph 3 of PSDG and paragraph 9d of OSD Implementation guidance. Eligibility states, "In accordance with Section 631 of Public Law 114-92, NDAA for 2016, the Secretary may extend the election period for enrollment in the BRS for a member who experiences a hardship. This authority is limited to extending the time period for enrollment in the BRS and does not provide authority to expand or change the categories of eligibility, nor does it create the authority to enroll an otherwise eligible member who had the opportunity to elect to enroll in the BRS during 2018 but who chose not to do so."

The applicant does not provide any justification as to why an election was not completed when she was notified of her eligibility, and she does not qualify for a "Hardship" extension. Therefore, AFPC/DP3SA recommends denying the application.

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 20 Feb 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. The Board

notes the applicant was given the opportunity to opt-into the BRS in 2018 when she was a member of the Selected Reserve. She acknowledged her eligibility for the BRS and took the BRS training course on 2 Dec 17 and subsequently could have enrolled anytime during calendar year 2018. The applicant contends that because she had a break in service after she was discharged from the Reserve in 2022, she should be allowed to opt-in when she commissioned as an officer in 2023, but the Board disagrees. In accordance with the BRS PSDG and OSD Implementation guidance, the Service Secretary may extend a period of enrollment for hardship; however, it does not provide the “authority to enroll an otherwise eligible member who had the opportunity to elect to enroll in the BRS during 2018 but who chose not to do so.” 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-2024-00210 in Executive Session on 12 Nov 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 12 Jan 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP3SA, w/atchs, dated 15 Feb 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 20 Feb 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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