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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01321

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

It was brought to his attention that he was not notified of his eligibility to participate in the BRS CP program. He believes he meets all the requirements and has the time left in service to fulfill the service obligation.

In support of his appeal, the applicant provides an e-mail dated 10 Apr 24 that states he was identified as a member who was eligible but is no longer eligible due to having more than 12 years of service and that he could apply to the AFBCMR to pursue recoupment of CP.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air National Guard (ANG) major (O-4), who had fewer than 4,320 points as of 31 Dec 17. As such, he was grandfathered under the current retirement system but was eligible to opt-in to the BRS.

On 29 Nov 04, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant entered the Regular Air Force and on 28 Nov 08 he was honorably discharged in the grade of senior airman (E-4) and transferred to the Air Force Reserve (AFR).

On 28 Nov 12, [Work-Product], dated 4 Dec 12, shows the applicant was honorably discharged from the AFR in the grade of E-4.

On 4 Oct 13, according to AF Form 133, *Oath of Office (Military Personnel)*, the applicant was appointed a second lieutenant in the Reserve of the Air Force.

The Military Personnel Data System (MilPDS) shows on 5 Jan 18 the applicant elected to opt into the BRS. Furthermore, under the BRS, service members may be eligible for CP, provided an election is made prior to the 12th anniversary of their pay date. In the applicant's case his pay date is 19 Dec 04 giving him a 12 year pay date anniversary of 19 Dec 16, which was prior to the start of the program on 1 Jan 18.

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 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 BRS 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 BRS 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 CP 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 SOU, obtain their commander’s approval for CP, and commit to a four-year military service obligation. The election for CP 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 CP fact sheet pulled from myPers states that notification for CP will start 60 days before a member’s 12th year of service.

AIR FORCE EVALUATION

NGB/A1P, recommends denying the application. DAFI 36-3012, *Military Entitlements*, Chapter 4, provides eligibility criteria and considerations required before a member may elect to receive BRS CP. According to paragraph 4.3.1. specifically states, “members who elect to opt-in [to] the BRS after passing 12 years of service are not eligible for CP. While the applicant elected to opt into the BRS retirement plan on 5 Jan 08, based on his pay date of 19 Dec 04, he met 12 years of service on 19 Dec 16 and was not eligible for BRS CP due to having greater than 12 years of service.

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 25 Jun 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 NGB/A1P and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board notes, the applicant had past their 12-year pay date anniversary prior to the start of the BRS program and therefore was not eligible for 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-2024-01321 in Executive Session on 14 Jan 25:

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All members voted not to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 18 Apr 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, NGB/A1P, dated 21 Jun 24.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 25 Jun 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.

4/3/2025

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